



ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 226

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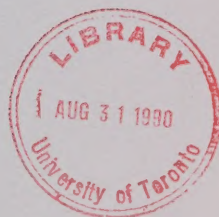
BEFORE:

A. KOVEN

CHAIRMAN

E. MARTEL

MEMBER



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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.


Hearing held at the offices of the Ontario
Highway Transport Commission, Britannica
Building, 151 Bloor Street West, 10th Floor,
Toronto, Ontario, on Thursday, August 16th,
1990, commencing at 9:00 a.m.

VOLUME 226

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member



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I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>DALE MUNRO,</u> <u>WAYNE DOUGLAS YOUNG,</u> <u>LEN SUOMU,</u> <u>RICHARD FRY,</u> <u>MICHEAL INNES</u> , Resumed	41039
Continued Cross-Examination by Mr. Hanna	41039
Cross-Examination by Mr. Freidin	41137

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1284	Two-page list of five revised terms and conditions submitted by the OFAH, dated August 16, 1990.	41130

1 ---Upon commencing at 9:05 a.m.

2 MADAM CHAIR: Good morning. Please be
3 seated.

4 MR. HANNA: Good morning, Madam Chair,
5 Mr. Martel. Madam Chair, I am going to do my very best
6 to finish by lunch and perhaps before that.

7 MADAM CHAIR: Thank you, Mr. Hanna.

8
9 DALE MUNRO,
10 WAYNE DOUGLAS YOUNG,
11 LEN SUOMU,
RICHARD DEAN FRY,
MICHAEL DEAN INNES, Resumed

12 CONTINUED CROSS-EXAMINATION BY MR. HANNA:

13 Q. Panel, I would like to look at
14 Section 3.4 of the witness statement starting at page
15 29. Mr. Fry, I think you are the man responsible for
16 this.

17 Now, in the second paragraph there it
18 indicates that the plan author will hold informal
19 discussions through the production of the plan and
20 we've repeatedly how that would take place leading up
21 to the enhanced planning process.

22 The concern that I wish to explore with
23 you is, how would this process operate, this process of
24 informal discussion of coming and speaking to the plan
25 author and workig it out on a one-on-one basis.

1 How would this operate when interested
2 individuals are not local residents but reside some
3 distance from the forest management unit property?

4 MR. FRY: A. In this instance, Mr.
5 Hanna, what do you define as some distances, southern
6 Ontario?

7 Q. It could be southern Ontario. An
8 example that arose, I believe it was the Dryden
9 satellite hearing, was that -- I can't remember the
10 name of the road, but there was a road that was of
11 concern and it actually fell within the Ingace
12 District.

13 So that in order to deal with it, it
14 actually was administered out of the Ignace District
15 even though it was even close to Dryden or it might
16 have in fact been closer to Dryden, where the road was,
17 but certainly Dryden residents used it. So there was
18 that sort of a separation and that's, how should I say,
19 a region resident and then there is the provincial
20 resident who may be in Toronto but is concerned about
21 his cottage in Kenora. So it could be either one of
22 those circumstances.

23 A. If it were a regional resident, I
24 would think that the plan author would make every
25 effort to have personal contact through a meeting with

1 the person even if it required a special trip down from
2 Dryden, for example, to Ignace or wherever to do that.
3 I don't see that as being a particularly onerous thing
4 to do.

5 In the case where -- and that may not be
6 necessary. It may be possible to resolve it over the
7 phone or in correspondence, but if it does become
8 necessary to meet face to face, then that would be the
9 process that would be followed.

10 In the case where a face-to-face meeting
11 may not be a practical thing to do, you would simply
12 have to do your best in those instances and it would no
13 doubt be contact over the phone, contact through
14 correspondence that would have to be used to resolve
15 whatever problems or interest that person may have.

16 Q. Okay. With that situation, let's say
17 it's the provincial situation where Mr. Munro is
18 preparing a plan in Kenora and there is someone in
19 Toronto that is concerned about it, in that
20 circumstance, how would the citizen understand and see
21 and be able to comment on the information that will be
22 presented at the public open house?

23 Will that be in a form this could be
24 circulated to non-local residents?

25 A. All of the information that is going

1 to be presented at open houses or information centres
2 obviously can't be made available to individuals.

3 Q. You said cannot?

4 A. Cannot be made available to
5 individuals that are unable to attend by reason of
6 distance. In our experience, where there are people
7 that are resident at some distance from the open house
8 and are unable to attend it, they usually have some
9 specific concern. It may be a tourist outfitter who is
10 resident outside the country during the winter season
11 when the first open house -- pardon me, both open
12 houses are held during the summer months, but it could
13 be someone that is simply resident away from the area,
14 and in those cases you would provide whatever
15 information you have and it could be provided by mail
16 or electronic mail these days, it provides very quick
17 and reasonable contact, but you could provide him with
18 all that information that is pertinent to his
19 particular concern and deal with it in that way.

20 Q. But groups like my client have a
21 concern and it isn't necessarily related to an outpost
22 camp or a stream crossing solely, but is concerned
23 about the management structure of forest as a whole.

24 That's the type of concern they would
25 want to comment on, when they would want to provide to

1 the plan author comments in terms of priorities, what
2 they felt were the best alternatives that you
3 presented, that sort of thing, and it may not be
4 feasible, although, as you know, the Federation is well
5 represented across the north and they have local
6 chapters and local groups but there's also a head
7 office role that's often played that is a technical
8 support to those groups, and how would they be able to
9 provide reasonable support to those groups without that
10 information?

11 A. As you are aware and as our testimony
12 has indicated, on our local citizens' committees we
13 would have representation from groups such as anglers
14 and hunters.

15 I would think that comment on the timber
16 management plan would focus through that person
17 involved in it, would focus through that person and I
18 guess it would be a matter of how the anglers and
19 hunters -- Federation of Anglers & Hunters would
20 internally organize themselves to provide the support
21 to the person that might represent them on that
22 particular local citizens' committee.

23 Q. I accept that, and it certainly is
24 the responsibility of the Federation to organize in the
25 way they see fit. It's more a matter of having a

1 situation where you have a representative on the local
2 citizens' committee, as an example, and them acting
3 in -- I think in your terms, sort of as the local
4 sounding board to provide that sort of feedback to the
5 plan author, but there is a tremendous onus then on
6 that representative in terms of trying to feed that
7 information back to the technical support at head
8 office. In other words, you can't provide technical
9 support unless you have some understanding of the
10 technical underpinnings of the issues that are being
11 faced.

12 A. The technical underpinning at a local
13 level you mean?

14 Q. Yes.

15 A. We don't know how to comment on that.
16 To my way of thinking, that may be true, but in terms
17 of setting up our committees and having that committee
18 structure, you would have -- the Federation of Anglers
19 & Hunters might have a representative on that
20 committee, they would also have a representative on the
21 IRUC which could perhaps be in a better position to
22 understand underpinnings or, as you call them, from the
23 association level.

24 I think really it's the way of how any
25 particular association is going to organize itself to

1 provide input and support to local individuals that
2 represent them.

3 Q. Okay. Let's try it a different way
4 around, then. What would be the minimum information
5 that would be available in a transferable form; in
6 other words, that I could put in an envelope and mail
7 and circulate that would be provided at that first
8 stage, the stage selecting the objectives and the
9 preferred alternative?

10 What would be minimum information that
11 would be available other than going to the open house?

12 A. Now, are you referring to the open
13 house for the preplanning phase or the open house where
14 the draft plan is presented?

15 Q. The first open house, Mr. Fry.

16 MR. MUNRO: A. Madam Chair, the minimum
17 amount of information that would be available at the
18 first information centre that could be easily mailed to
19 the Federation would be the executive summary of
20 background information, the executive summary of the
21 integrated resource database, the executive summary of
22 the report on past operations and future proposals as
23 well. That would be at that stage.

24 That information would also be available
25 at the draft plan information centre, plus at the draft

1 plan information centre there would an executive
2 summary of the actual plan itself and for Mr. Hanna's
3 clients, I think that could be mailed out quite
4 readily.

5 Q. And in the event that we obtain the
6 database in an up and running form from a computer
7 point of view, okay, that you had a computerized
8 database, would things such as telephone hookups to
9 that database be accessible to public interest groups?

10 A. I didn't say that the database would
11 be available, what I said was the executive summary
12 would be available.

13 Q. I heard that very clearly, Mr. Munro,
14 and I wasn't -- what I'm asking now is, is there a
15 possibility for groups to go to the next level, that
16 second segment, to actually see the database itself?

17 Is there a possibility? Is that within
18 the type of access that you are anticipating to the
19 public?

20 A. For sure the database -- the
21 integrated resource database is open and available to
22 all the public. Mr. Hanna is perfectly correct.

23 That could take a considerable amount of
24 time and effort to look at all that information and I
25 think MNR has led evidence that there is a large amount

1 of background information that's available and I think
2 it would have to be -- there would have to a formal
3 request as to what part of that large integrated
4 resource database did you actually want, and then there
5 could be some discussion as to how that could be
6 provided if it was necessary.

7 Q. And once it's in machine readable
8 form, we really aren't talking about a lot to transfer,
9 are we, we are talking perhaps a box of disks at the
10 worst?

11 A. At the current time, very little of
12 this information is in a machine readable form and I
13 would anticipate a lot of it won't be in a machine
14 readable form.

15 Let's take the FRI base, for example, is
16 not in a machine readable form at the current time and
17 that's the basis for your database and everything else
18 fits on top of that. So until you have the bottom
19 component, it's almost impossible to do anything with
20 the rest of the information.

21 Q. But isn't that a strong argument then
22 to try and make as much of this material machine
23 readable so that access to the information is available
24 not only to local people, but could be made available
25 to anyone in the province, for all intents and

1 purposes?

2 A. There certainly is a strong argument
3 for a GIS system in place for the province and we
4 discussed that yesterday. Industry fully supports any
5 effort to move in that direction.

6 MADAM CHAIR: Mr. Hanna, are you saying
7 or suggesting that interest groups would contact Mr.
8 Munro, for example, if he were a plan author and say:
9 Send me every piece of information that you have
10 pertaining to this timber management plan, everything
11 that's in the integrated resource database?

12 MR. HANNA: Madam Chair, how should I
13 say, in the fullness of time and technology, the
14 concept would be that that information would be
15 retained as an integrated database; in other words,
16 it's a -- my drive D has got full of it the IRPS and I
17 basically -- I can basically provide that as a complete
18 data summary -- or not summary, the complete data to
19 anyone who wants it.

20 MADAM CHAIR: I guess that hasn't been my
21 understanding so far. I thought with the GIS database
22 that obviously there would be lots of data, but some of
23 that would be data that's already been analysed and
24 that's the form that it would be appear in the GIS
25 system, that you wouldn't necessarily have in place

1 every piece of background information that went into
2 the tables or whatever you would produce in the GIS
3 system.

4 In other words, it seems to me that at
5 some point there would be information on paper, and are
6 you saying that you would expect every piece of
7 information on every piece of paper to be computerized?

8 MR. HANNA: No, Madam Chair. Let's just
9 take a step back here in terms of what I'm driving at
10 here, is that if underlying the analysis of the
11 alternatives is a certain database that was used -- I
12 am looking at it from an analytical point of view in
13 terms of not who talked to who and that sort of thing,
14 but here are the production possibilities, and I keep
15 coming back to that, and here is the basis upon which
16 we did that evaluation.

17 This is the MAD calculation or this is
18 the Foreman run that we used, whatever it is that was
19 associated with that, here is the Foreman Wild that we
20 used to describe the habitat supply of marten or moose
21 or whatever it is so that you can see that.

22 One of things that that provides is that
23 individuals that aren't directly local can still
24 understand the dynamics of that forest without
25 necessarily having to go and attend an open house,

1 without necessarily having to sit down directly with
2 the plan author, at least to give them initial -- the
3 interpretation of it. Obviously, they will go to the
4 plan author, but they will go to the plan author then
5 with a full understanding of what's going on as opposed
6 to having to go to the plan author and say: Well, what
7 is the age class distribution in this forest, and
8 that's a long and drawn out discussion, as I'm sure Mr.
9 Munro will tell you -- you know, how is it distributed
10 across the forest. To get that sort of an
11 understanding is a very difficult thing to do.

12 MADAM CHAIR: I certainly understand and
13 I appreciate why you would want to see the analytical
14 work that supported looking at the alternatives or any
15 of the decision points that were arrived at in the
16 timber management planning process, but I think what
17 you are also saying to us is you would want to see all
18 the information behind that analysis as well.

19 I still don't have clear in my mind how
20 far back a request for data would go. Would it end up,
21 if the current system were to continue, would it end up
22 asking for 900 AOC sheets and you wouldn't be content
23 with an analysis of that in tabular form, but you would
24 want to see each piece of that data, for example?

25 MR. HANNA: I understand, Madam Chair. I

1 think -- you have given me some further thoughts in
2 terms of structuring our case. Part of our case was
3 going to deal with this matter, but I am going to deal
4 with it even more now, hopefully you will get a better
5 feeling of it --

6 MADAM CHAIR: Maybe you want to put your
7 question to the witnesses.

8 I just wanted to raise that because it's
9 not clear to me where a data request would stop and
10 where the computerization would begin to respond to
11 that request.

12 MR. HANNA: Madam Chair, this discussion
13 will probably be more productive after, I think, you
14 have been seen the GIS system in Timmins and you've
15 seen some of the material that we will be presenting,
16 then I think that -- it will probably put in better
17 context what I'm referring to.

18 MR. INNES: The point that Mr. Munro
19 made, Madam Chair, was we think there should be freedom
20 to information and what Mr. Munro was describing really
21 were the difficulties that we've experienced in
22 operational matters of trying to deal with data in
23 terms of it being hierarchially stored and the
24 difficulty in building up a database and taking one
25 piece out in isolation without having the

1 interconnecting parts and then, furthermore,
2 understanding that in a local context, and I think Mr.
3 Hanna recognizes some of these problems as well.

4 Q. Right, Mr. Innes. Again, you also
5 would also see that as a strong reason to try and move
6 that way as quickly as reasonably possible to assist in
7 that sort of exercise?

8 MR. INNES: A. I would see that
9 happening, Madam Chair, Mr. Martel, provided we had a
10 coherent system in the province that allowed some
11 structured means of having this happen in a reasonable
12 fashion, otherwise we are going to spend a phenomenal
13 amount of time on both sides from the person who
14 demands the information and the supplier trying to get
15 the stuff out, get it transferred, make it meaningful
16 and understanding it, and it has to be a useful
17 exercise rather than one in electronic frustration,
18 shall we say.

19 Q. Now, Mr. Fry, in terms of these
20 informal discussions and the processes described here,
21 it certainly seems quite understandable and in some
22 respects reasonable dealing with what we've called
23 static effects, the outpost camp, that sort of thing.

24 What's been your experience in trying to
25 address through informal discussions such as this

1 issues such as the supply of moose habitat over a
2 rotation of the forest and its spacial distribution
3 within the forest management unit?

4 MR. FRY: A. My experience to this point
5 in time, Madam Chair, has been largely oriented towards
6 the provision of moose habitat as is required by the
7 guidelines that are currently in effect.

8 And these discussions, these informal
9 discussions have been held largely in the context, as
10 it is now, in the context of planning team meetings
11 where one would sit down with whoever on the planning
12 team that may wish to be present at these meetings,
13 usually it's going to involve a -- there will be heavy
14 involvement of biologists and perhaps some support
15 staff from that part of the Ministry, and you simply go
16 through your allocations and you talk about different
17 ways of meeting the moose management guidelines and how
18 one will organize your harvest in order to provide for
19 moose habitat as is described in the habitat
20 guidelines.

21 Q. So what I'm hearing you say is, you
22 have to date not entered into those sort of discussions
23 with the general public and you haven't to this date
24 been requested by members of public to explain what the
25 implications are in terms of your prescriptions for

1 moose habitat for, say, a rotation of the forest?

2 A. I've never been asked, Madam Chair,
3 to describe how moose habitat is going to be provided
4 for over a full rotation of the forest.

5 However, at public meetings -- pardon me,
6 at open houses or information centres that we've been
7 at, there is always a member of the public or members
8 of the public who are interested in how we do that, and
9 in those particular cases where those queries are put
10 to us, we answer them and we may take them to maps to
11 show them how we provide it and show them the
12 guidelines and how certain provisions in those
13 guidelines have been addressed in the plan.

14 But beyond that, to go out full rotation,
15 I've never had that request. I don't know whether
16 other members of the panel have been faced with that or
17 not, I haven't.

18 MR. MUNRO: A. No.

19 Q. Okay. An alternative I believe the
20 forest industry proposes and certainly my client is
21 advocating is, rather than have to go through a
22 detailed discussion of the application of the
23 guidelines on a case-by-case basis, that the forest
24 manager sets out objectives for the forest management
25 unit and those objectives then are presented to the

1 public and it's on that basis that the public's
2 discussion focuses on the objectives rather than on the
3 details and how it is being implemented.

4 Do you see that as a reasonable approach?

5 A. I would suspect that both approaches
6 are reasonable, that there would be focus on objectives
7 and there would also be focus of the general public on
8 specific details of how one would provide, for example,
9 for moose habitat.

10 Q. In order for the objectives to be
11 effective, would you agree that they should be as
12 specific as practically possible? Specifically, as an
13 example, what is moose winter habitat, how much do we
14 need?

15 A. Yes.

16 Q. What should the spacial configuration
17 be?

18 A. To the extent possible, yes.

19 Q. And would you agree also, to the
20 extent possible, that the objectives and targets should
21 be as comprehensive in terms of the timber component of
22 the non-timber values?

23 A. Yes.

24 Q. And you indicated in this section
25 it's only through an understanding of the very interest

1 or values that are present that creative management
2 solutions can be developed and implemented; you have to
3 have this understanding and then develop the creative
4 solutions.

5 By assigning specific targets and
6 objectives, that does provide the context within which
7 the forest can develop creative solutions, doesn't it?
8 It provides you with flexibility and, yet, a specific
9 goal to work towards?

10 A. I would say that is true, yes.

11 Q. Now, at the draft plan stage, if
12 we've established at the outset an alternative set of
13 objectives and you've got the public's comment back and
14 you've gone through your process of reviewing it with
15 the Ministry and reviewing it with IRUC and you've
16 decided upon a final set of objectives, or at least a
17 draft final set of objectives, and you prepare your
18 draft plan and you go to the public in terms of the
19 landscape level type of effects as opposed to the
20 specific values, the landscape level of effects, the
21 key point of discussion then at that work -- or at that
22 second open house would be primarily to confirm that
23 the objectives that you had set were consistent with
24 the views that the people had presented, No. 1?

25 A. I missed the question, that the

1 objectives set were consistent with what is shown in
2 the plan?

3 Q. Yes. It would be the public's last
4 chance to say: You've captured what I've told you or
5 you didn't capture it, so they would be able to make a
6 final determination as to whether or not you've truly
7 reflected what they felt was appropriate?

8 A. I wouldn't say it would be the
9 public's last chance. The plan has -- at that open
10 house there would be a draft plan presented that had,
11 incidentally, gone through the Ministry's review of
12 what is in the draft plan.

13 There will also be a notice of plan
14 approval in which the public would have 30 days to
15 review it and there would be one more opportunity there
16 to determine whether in fact in the approved plan
17 everything has been addressed in the way that it ought
18 to be addressed.

19 Q. Thank you, Mr. Fry. I wasn't trying
20 to suggest that it was cut off at that point. What I
21 was really getting at was, at that point the primary
22 point of discussion would revolve around how well the
23 objectives had been addressed in the draft plan as
24 opposed to having to go back and look specifically at
25 what was going to happen if the plan author came

1 forward and said: Here's the objectives that I
2 understood the public wanted, here's what I'm expecting
3 I can produce with the plan -- with this draft plan
4 prepared, that would be the point at which the
5 discussion could focus?

6 A. Yes, that would be the point.

7 Q. And that could be quite a productive
8 way to focus the public's attention?

9 A. I believe so.

10 Q. Mr. Fry, I would like to continue
11 asking you questions, but I'm going to turn to Mr.
12 Young.

13 Mr. Young, I would like to deal with
14 Section 3.5 which is the guides and guidelines. That's
15 the section you are responsible for?

16 MR. YOUNG: A. Yes, it is.

17 Q. Now, a general point that perhaps we
18 can get sorted out and then move to the details. The
19 Industry is proposing or is supportive of the adaptive
20 management approach; correct?

21 A. Yes, I believe in general we are
22 supportive of that type of approach.

23 Q. Yes. And the concern that my client
24 has is the interface between the concept of the
25 adaptive management approach and the guides and

1 guidelines, how those two come together, because some
2 guidelines can be used in a constraint approach which
3 is contrary to the adaptive management approach;
4 correct?

5 A. Some of the guidelines in the present
6 form, yes.

7 Q. Now, does not the adaptive management
8 approach demand that the results of management actions
9 be assessed at a local level relative to the forest
10 components that you're managing through intervention?

11 A. I think the question is: Do you
12 judge what you said you were going to do based on what
13 you actually did as far as invention?

14 Q. And it has to be at the same scale as
15 the invention is occurring.

16 A. Yes.

17 Q. And the scale at which the
18 interventions are occurring is the forest management
19 unit?

20 A. That's correct.

21 Q. So that, for example, if a
22 silvicultural prescription is devised to address a
23 moose concern - it seems to be my favorite topic - a
24 moose concern that a response -- then a response of the
25 moose to the management invention must be measured at

1 that level to provide the feedback that's essential to
2 adaptive management; correct?

3 A. I guess what you're -- it's important
4 that we measure what we said we were going to do with
5 what we actually did on the same scale, if that's the
6 questions, yes, it's very important that we are
7 comparing apples and apples.

8 Q. Right. And as I went through
9 discussion yesterday with Mr. Innes, when we're looking
10 at developing the prescriptions, we have to make sure
11 we are looking at what are the real values and we went
12 through the discussion about delivered wood cost and
13 moose; we don't tradeoff the amount of replanting we do
14 with moose habitat, we look at it in terms of what the
15 value is and the value is moose and delivered wood
16 cost?

17 A. We discussed that yesterday.

18 Q. So that's the driving force and
19 that's the basis upon which we would set the objective.
20 The target, then, would flow out of that which would be
21 the moose habitat?

22 A. That's correct.

23 Q. Okay. Now, an issue that we've heard
24 repeatedly from the Industry, and I have touched on
25 this briefly in the past, and that is this matter of

1 flexibility, the need to have a range of options
2 available to you.

3 This panel has come forward and said: We
4 want some options in the guidelines, we don't want to
5 have our hands tied?

6 A. That's the testimony that we've
7 given. We see the guidelines as providing a range of
8 acceptable options, if you want to call it, to protect
9 that value and it's up to the forest manager on a
10 forest management level to utilize that range of
11 acceptable practices, plus a number of other things to
12 set the prescription.

13 Q. Right.

14 A. And the other things would include,
15 you know, their knowledge of the local conditions and
16 their experience gained on that unit, discussions with
17 the local citizens, the technical experts and the
18 background information that has been prepared to date,
19 an integrate grated resource database and the report of
20 past operations and that information.

21 Q. Right. Now, if in the guidelines the
22 guidelines say: Here is a range of alternative
23 practices you can choose from, there has to be some
24 basis to choose those. The reason we have variation in
25 the options is because we have an area of undertaking

1 that's highly diverse, many of these things are site
2 specific and all the things that we've heard; correct?

3 A. That's correct.

4 Q. So that in selecting those there is
5 an underlying objective that we're trying to achieve,
6 whether it's a stocking level, whether it's a level of
7 protection of water quality, whether it's a level of
8 moose production, those are underlying those guidelines
9 and those guidelines say: Here is a range of things
10 you might be able to use to achieve those objectives?

11 A. That's the way we see it, that the
12 guidelines will provide the range of acceptable
13 practices for the local manager to set his or her
14 prescription and the prescription would be based on the
15 objectives that were set for that management unit area.

16 Q. Right. And if there isn't an
17 objective, if there isn't an objective set -- let's
18 give an example.

19 Let's say we haven't set an objective in
20 terms of - excuse me, I've got to get my terms correct
21 here, I spent a day on this - it would have to be a
22 target in terms of say moose habitat, if I don't have
23 that, and I say: Here is a range of alternatives that
24 are acceptable to you without knowing specifically
25 where I want to go at the end of the day, isn't the

1 public basically in a "trust me" position?

2 Do you see what I am getting at? In
3 other words, there is no direction given in terms of
4 what's happened. Don't you have to have them both?

5 A. Madam Chair, Mr. Martel, I think we
6 have been very clear that we want objectives and
7 targets set for the values that would be affected by
8 timber management activities, and I think we've been
9 very clear and have given lots of testimony that
10 wherever possible we would like to see those objectives
11 and targets identified, quantifiable and measurable.

12 Once we have those, we see the
13 prescriptions developed for specific timber management
14 activities be formulated by using the guidelines and,
15 as I said, the other factors, the local knowledge and
16 discussions.

17 Q. Okay. Now, in the event that there
18 isn't an objective, okay, and the example I will use is
19 water quality, say we haven't decided on the water
20 quality objective for a stream but we have got the Fish
21 Habitat Guidelines and they are driven solely by the
22 slope and the nature of the waterbody so they become
23 what I will call a rigid standard, they'd prescribe
24 specifically what you have to do; correct?

25 A. In the present fish guidelines there

1 is some flexibility, if you want to use the word, it's
2 not rigid. There are some provisions for select
3 logging within some of those areas. So I wouldn't say
4 they are --

5 Q. Okay. There is this provision for
6 some operations within the reserve, but the reserve --
7 the size of the reserve is fixed?

8 A. Based on slope, yes, that's correct.

9 Q. And so that seems to be the two
10 dichotomies. One is, you either set an objective and
11 you say the forester achieved that objective and he
12 then uses his professional ability to achieve that
13 objective, or where you haven't set the objective you
14 provide a rigid standard.

15 Do you see what I am getting at? I'm
16 looking at trying to protect the public interest
17 otherwise you are in a "trust me" mode. Do you see
18 that?

19 A. I guess the example that you gave is
20 water quality where there is no objective and how do we
21 take care of that. The direction we've had from the
22 Ministry and we are currently using right now is to
23 utilize the Fish Habitat Guidelines to protect the
24 water quality. So at present there are no water
25 quality objectives and we are utilizing the Fish

1 Management Habitat Guidelines to protect the water
2 quality.

3 And I guess it comes back to the
4 guidelines were reviewed by technical experts at a
5 provincial level and those technical experts determined
6 that the fish guidelines would protect the water
7 quality. It's very similar to what we advocate, that
8 the guidelines will be reviewed -- prepared and
9 reviewed at a provincial level to ensure that things
10 like that are addressed.

11 So I guess I think it's very important
12 that the guidelines are prepared with the best
13 technical knowledge. At present, the best technical
14 knowledge states that the fish guidelines will protect
15 water quality even though there are no objectives.

16 Q. I wasn't challenging that, Mr. Young,
17 I was just trying to set up this dichotomy and then I
18 want to follow that for a moment. I specifically want
19 to refer to Exhibit -- that is 1276?

20 A. Yes, it is, Mr. Hanna.

21 Q. I specifically want to --

22 MR. FREIDIN: Which exhibit, sorry?

23 MR. HANNA: 1276.

24 Q. And there is an area there, Mr.
25 Young -- I don't know how we are identifying areas on

1 this map, Madam Chair, but it is called moose aquatics
2 and it's on the bottom left-hand side of the colour
3 area and it has written on it: Moose aquatics, no
4 harvest within 120 metres as shown.

5 Now, that 120-meter buffer, Mr. Young, is
6 seen in the moose guidelines, Exhibit 310, on page
7 (ii), condition 2(e). Is that where that 120-meter
8 buffer came from?

9 A. Could I read that, Mr. Hanna?

10 Q. Sure.

11 MADAM CHAIR: What page was that, Mr.
12 Hanna.

13 MR. HANNA: It is the green pages, Madam
14 Chair, it is page (ii).

15 MADAM CHAIR: Did you say that was item
16 2(e)?

17 MR. HANNA: Yes, Madam Chair.

18 MR. FRY: Perhaps both Mr. Young and I
19 could maybe reply to any questions you may have on this
20 since I helped -- or I prepared the map.

21 MR. HANNA: Mr. Fry, I can see you want
22 to answer some more questions so we will get you into
23 this discussion also.

24 MR. YOUNG: The area that you've
25 indicated on Exhibit 1276, which illustrates a reserve,

1 a no harvesting reserve within 120 meters as shown on
2 the map, would have been formulated - and Mr. Fry can
3 add to that - utilizing the guidelines, specifically
4 Section 2(e) of those guidelines which states that the
5 area will generally have a 120-meter reserve around
6 those areas. The map actually indicates the specific
7 outline of that area.

8 MR. HANNA: Q. Mr. Fry, do you have
9 something to add to that?

10 MR. FRY: A. No. The aquatic feeding
11 area was the small bay right at the bottom end of that
12 lake and the 120-meter reserve was simply the
13 application of the guidelines to protect that area.

14 Q. Now, in this particular guideline
15 there is a statement that it should be 120 meters. It
16 doesn't say it shall be, it should be, and the Board
17 has heard this before, the discretionary as opposed to
18 the mandatory provision of these guidelines.

19 How far can you go with the 120 before it
20 is a deviation?

21 MR. YOUNG: A. I think it's as the
22 guidelines states, in general it should be 120 metres
23 and I think, in my experience in preparing timber
24 management plans, you would sit down with the local
25 fish biologist, in this case moose biologist, and

1 determine what would be the best configuration of that.

2 In some cases, if the stand adjacent to
3 that moose aquatic area was very dense and provided
4 good cover, there may be some flexibility of less than
5 120 metres. That's the type of thing we do on a very
6 site-specific, case-by-case point and there may be a
7 need, and in my experience there has been, where the
8 biologist and the forester go out to the field,
9 actually walk through that area and say this is a
10 value, the moose aquatic area, how are we going to
11 protect that, and they walk around the area and have a
12 look at it and determine what the prescription would
13 be.

14 Q. Okay. It's this matter of flex --
15 back into the flexibility issue because it's nice if
16 it's black and white. If this is best for the moose
17 and this is best for wood, that's easy, but in some
18 cases that isn't the case.

19 This is what I am trying to get at here.
20 You said this is how we will work it, we will lay it
21 out and we won't report on the rationale for the
22 prescription if it is complying with the guidelines,
23 and I am asking you, when would you start having to
24 report the rationale in that particular circumstance
25 because the guidelines are not mandatory, they don't

1 say "you shall", they say "you should"?

2 A. In that case, we would present this
3 map, very similar to this map at the -- I have to refer
4 to the text, I don't know at what information centre.
5 The Industry -- when the plan author hosted the
6 information centre on July 15th, we would present this
7 map and this map would have been formulated by
8 discussions with the local experts - in that case, the
9 biologist - and that prescription would be formulated.

10 Let's use the example that instead of 120
11 meters, based on field experience, it came down to 100
12 meters because of the dense forest stand.

13 Q. Good, okay.

14 A. That prescription would be identified
15 on the map, 100 meters. At that point, the public have
16 a chance to view that map, the local citizens' advisory
17 also have a chance to view that map.

18 If there is a concern raised, then we go
19 to the enhanced planning process and we would look at
20 alternatives and justify that and go through the whole
21 enhanced planning process.

22 Q. Mr. Munro, I would have thought by
23 this time I had understood this, but maybe I don't. I
24 thought the enhanced planning process kicked in when
25 you deviated from a guideline?

1 A. That's correct. If you deviate from
2 the guideline, you have no guideline or there is a
3 concern expressed. Those are the three mechanisms --

4 Q. But you've just described to me, Mr.
5 Young, that in this particular case it was the hundred
6 meters, that the enhanced planning process would only
7 kick in if a concerned citizen came in and said: Well,
8 I don't like it, I wanted 120, that's what the
9 guidelines says.

10 Now, I'm just trying to figure out which
11 way it goes.

12 MR. MUNRO: A. What we are recommending
13 in our proposal is that any deviation from a guideline
14 has to be reported in the draft plan and we have
15 allowed for table -- I believe it is Table 5B.
16 Deviations from guidelines must be reported.

17 If it was 100 meters in Mr. Young's case,
18 that would have to be identified as a deviation and
19 there would have to be rational reasons for doing it
20 and we'd go through the four basic components of an
21 environmental analysis.

22 Q. Fine.

23 A. Okay?

24 Q. Okay. So in that particular case
25 that we have just described, it's fairly

1 straightforward. We have got in the guideline a
2 reserve that we should use and it's a deviation, then
3 we go and report it. So that's simple.

4 Now, what do we do in a situation like
5 condition 4(c), page (ii), where there is no specific
6 value -- quantified value statement in terms of what
7 you should do? How do you know when you've deviated
8 and when you haven't deviated? How would that be shown
9 on the map?

10 MR. INNES: A. Madam Chair, again, we
11 are talking about MNR guidelines which we are talking
12 about reviewing and putting into a different format
13 here in terms of providing options, and I think we
14 would look at very closely having statements that are
15 that fuzzy in our guidelines with the intent that they
16 be more directive in terms of acceptable sites and
17 acceptable practices.

18 Q. Okay. Maybe we can go right around
19 this one and not pursue it any further. I would like
20 you - maybe, Mr. Innes, I will ask you this question -
21 to look at the terms and conditions of the Federation
22 starting on page 23.

23 Again, the point that I would want to
24 deal with here is not a play on words, but substantive
25 differences and I just want to make sure that we

1 understand clearly what's being proposed here.

2 What we're suggesting is this, that the
3 guidelines as guidelines per se with respect to
4 certainly wildlife habitat should be replaced by design
5 manuals, and the reason the terminology is different is
6 to avoid the concept of a constraint type of approach.
7 The design manuals would provide to you a range of
8 prescriptions you might consider to achieve a specific
9 objective, and I want to see if we are really just
10 talking about the same thing here, or if there is a
11 fundamental difference between what you proposed in
12 Section 3.5 of your witness statement and what's being
13 proposed by the Federation in this section.

14 Do you see a substantive difference?

15 MR. COSMAN: 126?

16 MR. HANNA: 126 summarizes it as far as
17 design manuals go.

18 MR. INNES: Madam Chair, I think we
19 are -- both Mr. Hanna's client and ourselves are
20 heading in the same direction in terms of the degree of
21 detail required so there is a linkage and traceability
22 between invention actions and output in terms of value
23 that we discussed a while ago.

24 I'm not able to say whether or not the
25 design manuals that Mr. Hanna is talking about here

1 would be adequate to accomplish what we have in mind
2 from the forest industry's point of view.

3 We have, perhaps, a slightly different --
4 this is just on a first cursory analysis of this. We
5 have a slightly different understanding, for example,
6 of what a technical manual should contain. For
7 example, there is a technical manual on the management
8 of white pine - I forget what it is called - but it is
9 listed in one of the manuals here which is sort of a
10 complete compendium of information on management
11 techniques for the establishment of tending and growing
12 of white pine on a full range of sites and it's
13 applicable on an Ontario-wide basis.

14 We would still see it necessary, if white
15 pine was a value, to have a guideline for what's
16 appropriate at a field level in dealing with that
17 because if I can switch the analogy to a non-timber
18 value, we would not want the entire -- the forest
19 manager would not want that entire manual on how to
20 manage moose from time of conception until death,
21 whereas it might be interesting, it's not necessary for
22 the management of the forest.

23 What they would really want would be a
24 guideline which would show explicitly how to manage the
25 timber component that was important for moose. So we

1 don't see it all being capsulated in one spot. So
2 there might be a difference in that respect, Mr. Hanna,
3 in terms of the degree of detail required.

4 Q. Okay. I think we are saying the same
5 thing, Mr. Innes. It's the term guideline that I keep
6 tripping on because the guideline has a certain very
7 self concept underlying it in the terminology that my
8 client has been using.

9 The guideline as you mean it is a set of
10 practices that might be used to achieve certain ends,
11 is that what you mean, as opposed to a rigid statement
12 as to what you must do, a standard?

13 MR. INNES: A. That's correct, Madam
14 Chair. In the overview we gave to the Board after
15 panel 3 or 4, I believe it was, we tried to explain
16 what we meant by guidelines in that particular
17 presentation, and the Board has a copy of that.

18 We laid out our interpretation of
19 guideline and in one instance we called them operating
20 procedures, I think it was, which I think comes close
21 to what Mr. Hanna is talk about.

22 MADAM CHAIR: Can you remind me of the
23 exhibit number--

24 MR. HANNA: 1125, Madam Chair -- oh, I'm
25 sorry.

1 MADAM CHAIR: --of the Industry overview
2 paper.

3 MR. COSMAN: I will have to get that for
4 you, Madam Chair.

5 MR. INNES: I don't have it written down,
6 I'm sorry, Madam Chair.

7 MR. HANNA: Thank you, Mr. Innes. It
8 sounds like we are on the same line.

9 Q. In terms then of the Industry's
10 statements here with respect to guidelines, then, you
11 are suggesting that these sort of operational manuals
12 should be developed without necessarily saying that
13 they should be rigid standards or prescriptions that
14 should be applied?

15 It is the operational manula type of
16 concept that you are endorsing in Section 3.5?

17 MR. INNES: A. That is correct. We have
18 suggested that the current guideline be reviewed and be
19 looked at in terms of science. Environmental impact is
20 a silence acceptance for operating practices which
21 provide adequate protection to that identified value.

22 Q. I would now like now to deal with the
23 suggestion here as far as effects monitoring is
24 concerned and that's on page 33, paragraph 3. I
25 believe, Mr. Young, this is still in your purview.

1 MR. YOUNG: A. Yes, it is.

2 Q. Now, the statement is made:

3 "The present guidelines should be
4 considered interim pending a period of
5 effects and effectiveness monitoring
6 which will measure the impact of various
7 application and confirm the benefits of
8 the guidelines."

9 You then go on and describe how you see
10 the monitoring program should be constructed in the
11 next paragraph and you make mention of selecting
12 candidate areas in developing a range of prescriptions
13 using various guidelines.

14 "The range of prescriptions would then be
15 modifications to the normal timber
16 management activities, as well as
17 non-timber programs and activities and
18 the objective of each prescription must
19 be clearly established in order to
20 determine the effect and effectiveness on
21 a local, regional or provincial level."

22 Now, there are several things that flow
23 out of this. First of all, the effects monitoring
24 program that you've talked about here is structured
25 around a guideline approach, and we may be back again

1 to semantics.

2 Are you endorsing the effects monitoring
3 program as currently proposed by the Ministry of
4 Natural Resources to test the guidelines, or are you
5 proposing an effects monitoring program to better
6 understand the relationships, the implicit
7 relationships in terms of silvicultural interventions
8 in non-timber values?

9 MR. COSMAN: Are you asking if it is
10 either/or?

11 MR. HANNA: Yes.

12 Q. If you don't understand the
13 question -- I want to start at the high level. If you
14 don't understand at that point I will break it down,
15 but rather than go through ten questions to get there
16 I am trying to give you one and let's start there.

17 MR. YOUNG: A. Let's start at the first
18 one. I believe the question was: Does the effects
19 monitoring program envisioned by the Industry duplicate
20 that of the Ministry's in looking at guidelines?

21 Q. Duplicate. I presume you are not
22 going to duplicate it, but certainly you are going
23 to -- it's an endorsement of that effects monitoring
24 proposal?

25 A. Yes, and we've given evidence that

1 the effects monitoring program - I believe we have a
2 term and condition - is very similar, if not identical
3 to the Ministry where there would be
4 effects/effectiveness monitoring program of the
5 guidelines.

6 MR. INNES: A. It is MOE No. 5, Madam
7 Chair.

8 MR. COSMAN: That's the interrogatory?

9 MR. INNES: Yes, that's interrogatory and
10 there is an (a) and (b) part on that.

11 MR. HANNA: What number was that?

12 MR. INNES: It is MOE No. 5. Both (a)
13 and (b) are both pertinent to the response of your
14 question, Mr. Hanna.

15 MR. HANNA: All right. I guess I will
16 test it then.

17 Q. The effects monitoring program could
18 be built around an alternate configuration of the
19 management which might be a habitat supply analysis
20 approach. Have you considered that?

21 MR. YOUNG: A. What we have suggested in
22 our evidence is that the provincial guidelines that are
23 in place now are the ones that will developed, revised,
24 modified, in our case, by the provincial technical
25 committee, would be subject to an ongoing

1 effects/effectiveness monitoring program and the
2 results of those effects/effectiveness monitoring
3 program would be fed back to the provincial technical
4 committee for review or modification of the guidelines
5 at a provincial level.

6 They would also review those guidelines
7 based on any new scientific knowledge that may not come
8 about as far as the effects/effectiveness monitoring
9 program.

10 Q. My question was, did you consider as
11 an alternative using the habitat habitat supply
12 analysis as the basis for the effects monitoring work?

13 A. No, we did not consider it. I
14 guess -- and we've given testimony that we really
15 haven't -- we don't have the knowledge of the habitat
16 supply analysis to really answer that.

17 We said, you know, that's a tool we would
18 like to explore and determine if it's effective. I
19 think until we become more familiar with the habitat
20 supply analysis I really couldn't answer that one, Mr.
21 Hanna.

22 Q. So is it fair to say then -- Mr.
23 Innes, I am going to come back to you on this one, but
24 I am not finished with Mr. Young. Is it fair to say,
25 then, that what the Industry is endorsing is the need

1 to improve the scientific understanding of these design
2 manuals? Is that the essence of what you are
3 endorsing?

4 A. We are endorsing that the
5 effects/effectiveness monitoring program look at
6 those - you call them design manuals, we call them
7 operation guidelines or operational manuals - to
8 determine if they are effective in doing what they said
9 they were going to do.

10 Q. That's the bottom line?

11 A. Yes.

12 Q. But in terms of how that's done, the
13 actual design of the research, the best way to get the
14 information, are you endorsing the proposal that the
15 Ministry has brought forward, or are you simply saying:
16 We really think it is important and we should look at
17 this very carefully and we should do the best research
18 possible to improve the scientific understanding, but
19 we aren't sure that that's necessarily the best way to
20 do it?

21 A. I see that question being one in the
22 same. I don't know the full details of the Ministry's
23 environmental -- or effects/effectiveness monitoring
24 program, but I would hope that they weave that into
25 their effects/effectiveness monitoring program to

1 really get the best scientific knowledge available.

2 Q. Mr. Innes, I would to deal with you
3 on this. You were the one that mentioned the bimeson,
4 so I think I should continue on with your not only
5 wordly travels but your deep scientific understanding
6 of nuclear physics.

7 MR. INNES: A. Perhaps, Madam Chair, I
8 could add a correction. It is actually a pimeson,
9 p-i...

10 Q. Well, I took the transcriber's
11 interpretation of it.

12 Mr. Innes, I had asked you way at the
13 beginning of our cross-examination to look at Exhibit
14 79 which was an article by Dean Baskerville on
15 cumulative impact assessment.

16 A. Yes, just a minute. I have it, Madam
17 Chair.

18 Q. Now, the reason I want to refer to
19 this paper, Mr. Innes, is in order to deal with this
20 paragraph that's on page 33 describing in a general
21 sense the research strategy, if I can use that term,
22 that the Industry is proposing and I want to try and
23 see how that matches with what Dean Baskerville is
24 proposing here.

25 A. I understand.

1 Q. Now, before I go through it in
2 detail, having now read 979, having, I presume, a new
3 perspective that you'd indicated you hadn't read this
4 paper before that time?

5 A. That's correct.

6 Q. You obviously hadn't read it when you
7 wrote your witness statement. Is there anything that
8 you have learned from this that would suggest that
9 there is maybe an alternate approach or there might be
10 other things you would consider in terms of your
11 effects monitoring program?

12 A. Certainly. The paragraphs I referred
13 you on page 33 of the Industry witness statement were
14 not intended to do more than indicate that there should
15 be some type of assessment made to determine on a
16 scientific basis whether or not guidelines were
17 achieving -- or at least the techniques laid out in the
18 guidelines were achieving the results anticipated when
19 they were first designed, and what we have indicated,
20 Madam Chair, is the desirability of having that
21 assessment made.

22 The forest industry does not bring
23 forward any suggestion that it has particular expertise
24 in this field in the design of the methodology to
25 conduct research in this area.

1 It further recognizes, as is very
2 eloquently laid out in Dr. Baskerville's paper, that
3 there are difficulties and have been difficulties in
4 conducting environmental impact research and, indeed,
5 as his paper suggests, it's often misunderstood at a
6 scientific level, as well as an operational level.

7 What we did was to make the assumption
8 that the technical experts within the Ministry of
9 Natural Resources had put forward the methodology which
10 they laid out in their terms and conditions for the
11 conduct of a couple of areas of environmental impact
12 research, and we took the assumption that that was
13 based on science since they have a greater repository
14 of scientific information in this field than what this
15 panel does for certain. I would suggest that that
16 would be an appropriate place to start.

17 In our response to the MOE, term and
18 condition No. 5, we said it must go beyond that and
19 other things have to be designed and we have not done
20 that through our lack of scientific expertise do to
21 that.

22 Q. Mr. Innes, you do have an
23 understanding of adaptive management. I have asked Mr.
24 Young if that feedback should occur at a local level
25 and I believe he agreed with me. I take it you agree

1 also?

2 A. Yes, I do.

3 Q. Is one way to come to grips with this
4 adaptive -- excuse me, this effectiveness/effects
5 monitoring, as Dr. Baskerville laid out on page 13 in
6 the left-hand column, the first paragraph, when he
7 says:

8 "On the other hand, if impacts in the
9 biological system are accumulating
10 as a result of some cycling insult such
11 as clearcutting, then there is a need for
12 a wide geographic area to be considered
13 and with a fine resolution of area within
14 that total in order to detect and
15 forecast the relevant system dynamics."
16 Do you disagree with that that?

17 A. I agree with that within the context
18 of the rest of his paper and the rest of that paragraph
19 in which it is embedded.

20 I would not agree with that, Madam Chair,
21 if you just yanked it out as a single statement and
22 left it without context to support the statement made.

23 Q. Okay. And the reason -- I wasn't
24 trying to yank it out of context, Mr. Innes, but the
25 reason I just focused on that is, is the adaptive

1 management approach a way to respond in terms of the
2 criteria that Dean Baskerville has laid out there, a
3 wide geographic area, a fine resolution of detail with
4 a forecast -- built in forecast system in terms of
5 system dynamics. Isn't that the whole essence of
6 adaptive management?

7 A. I look at adaptive management as
8 being something that's pretty straightforward in terms
9 of you have a technique based on science, that
10 technique is implemented to attempt to achieve a
11 target, you measure whether or not the target was
12 achieved and test the efficiency of the technique and
13 makes modifications to the system if the scientific
14 knowledge you gathered and assessed indicates that the
15 technique is not appropriate.

16 Q. You test the effectiveness of the
17 technique?

18 A. Yes, that's right, in moving towards
19 the achievement of the target.

20 Q. It's an effectiveness monitoring?

21 A. Yes, that's really what it is. And I
22 don't particularly perceive that Dr. Baskerville has
23 put this paper together in terms of adaptive
24 management.

25 I think he is addressing the difficulty

1 of trying to formulate scientific experiments to
2 quantify environmental impact which is a little bit
3 different than adaptive management. It is one aspect
4 of the science of assessing impact.

5 Q. Let me ask you this, then. Would an
6 adaptive management approach applied across the
7 province fulfill the criteria that are established here
8 in terms of moose habitat, in terms of the need to
9 cover a wide geographic area, to provide a fine level
10 of resolution within that area, and if it was based
11 upon a habitat supply approach you would have a
12 forecast of the relative system dynamics?

13 If you can't answer it, that's fine.

14 A. I don't know, Madam Chair, what the
15 answer would be to that question.

16 MR. HANNA: Can we move to --

17 MS. HARVIE: I'm having a problem. Maybe
18 someone could clarify it, maybe someone can't.

19 Could you do this province-wide, adaptive
20 management, on an experiment basis in the sense --
21 based on what Dr. Baskerville said when he was here,
22 that it's relatively new, we don't have a lot of
23 people - I think he said - skilled in it, doing it yet?

24 Is it possible to test it at this time in
25 a provincial sense as opposed to certain areas? I

1 don't know.

2 MR. HANNA: Mr. Martel, you can ask the
3 panel. There will be evidence I will be leading to
4 responde to that question, I'm not going to respond to
5 it myself personally.

6 MR. INNES: I can't answer that, sir. I
7 look forward to Mr. Hanna's evidence on behalf of his
8 client.

9 MADAM CHAIR: I think we are getting
10 close to the morning break, Mr. Hanna, is this a --

11 MR. HANNA: Actually it is a good point.
12 I was just going to move to another section, Madam
13 Chair, and I am still on schedule. I expect I will be
14 finished by lunch.

15 MADAM CHAIR: Okay. I would just say
16 something that I've said before with all respect to Dr.
17 Baskerville, I find much of his writing very convoluted
18 and I know in your case you are going to be referring
19 to Dr. Baskerville and the Board can understand what
20 you say very well in your own words, and I think that
21 when you develop your case you might use our own words
22 and not -- to me, to listen to one sentence quoted from
23 something Dr. Baskerville has said leaves me -- I don't
24 understand it.

25 I did understand him when he was before

1 us and he speaks to us, but I find his writing very
2 difficult to follow. That's just a word of advice in
3 preparing your case.

4 MR. HANNA: As I said once and I'll say
5 it again, it is my intention to bring before this Board
6 something that is implementable, that is understandable
7 and that will be accessible not only to Star War
8 technocrats, but will also be accessible to the general
9 public, and that's my intent.

10 MR. MARTEL: It won't be in Baskervillian
11 terms.

12 MADAM CHAIR: Thank you, Mr. Hanna

13 ---Recess taken at 10:20 a.m.

14 ---On resuming at 10:40 a.m.

15 MADAM CHAIR: Please be seated.

16 MR. HANNA: Q. Mr. Young, you are
17 responsible for Section 3.6?

18 MR. YOUNG: A. That's correct.

19 Q. You make the statement that:

20 "The current planning process is
21 excessive in the degree of analysis and
22 documentation required for secondary
23 roads."

24 The first paragraph there?

25 A. Yes.

1 Q. Can you tell me what systematic
2 analysis has led to the conclusion that the current
3 planning process is excessive in the degree of analysis
4 and documentation required for secondary roads?

5 A. That statement would be based on our
6 experience in the last few years in preparation of
7 timber management plans and the amount of documentation
8 required in planning for secondary roads. That would
9 be the basis for making that statement.

10 Q. So there isn't some background
11 analysis that was done that led to that conclusion,
12 this is just a sense across the Industry?

13 A. Based on the experience we
14 collectively assembled in preparation of this witness
15 statement.

16 Q. Now, I take it you have personally
17 have experienced this?

18 A. That's correct.

19 Q. What criteria have you used to
20 determine whether the analysis of the access
21 alternatives was excessive or not?

22 A. I guess the experience in preparation
23 of timber management plans we see the requirement
24 presently in place, Madam Chair, of looking at
25 alternative corridors for secondary roads and in our

1 witness statement we say that we will do a complete
2 analysis and consideration of the alternatives for
3 secondary roads only falling within an area of --
4 containing a recognized value.

5 We feel that that will reduce the - I
6 guess the term we used - excessiveness of the degree of
7 analysis and documentation required. We feel that by
8 looking at secondary roads, where they fall within a
9 value and we have to protect that value, we can focus
10 our efforts in protecting that value and that we won't
11 go through an excessive amount of documentation where
12 it's really, in your view, not required if there's no
13 value there.

14 Q. My question was, though, Mr. Young,
15 not what you are proposing. I submit to you -- I
16 understand from the witness statement and I've heard
17 your evidence-in-chief, I understand what you are
18 proposing.

19 My question was: What criteria have been
20 used to determine whether the analysis of access
21 alternatives in the past has been excessive? How have
22 you come to that determination?

23 In one case you analysed, did the normal
24 process and the other did the process you are proposing
25 and you found out that you came up with the same

1 result? How did you decide it was excessive?

2 A. There was no set criteria. I would
3 submit it was based on the experience we've had under
4 the current system.

5 We feel that our system would focus, as I
6 said, and really reduce in some amount what we consider
7 the necessary documentation required. There was no set
8 criteria that we established to judge that. It's just
9 the experience we have gained in the last few years in
10 preparation of timber management plans.

11 Q. Now, is the documentation that's
12 excessive or is it the analysis?

13 My experience has been that if you have a
14 fairly systematic analytical procedure and you have got
15 data, it often is not that demanding. Is that the
16 demanding part or is the demanding part all the
17 documentation?

18 A. I don't know if we can separate the
19 analysis from the documentation; the documentation is
20 really a summary of the analysis.

21 I think it's really the analysis. In
22 some cases doing analysis for the sake of analysis, and
23 where we have two road locations that access the
24 same -- that go from point A to point B and there are
25 no values there that we have to protect and we have to

1 be aware of, we feel that we should not have to go
2 through, you know, a lengthy procedure to look at
3 alternatives and the documentation and analysis
4 associated with those. That's specifically for
5 secondary roads, Mr. Hanna.

6 MR. MARTEL: If you don't look at the
7 alternatives, how can you tell you have chosen the best
8 route environmentally?

9 MR. YOUNG: I think we have, Mr. Martel,
10 done an analysis of locations and it may not formally,
11 sir, be documented.

12 In determination of road corridors or
13 secondary roads, you know, the Industry goes through a
14 fairly lengthy procedure. We establish that we have to
15 build a road, we usually utilize a photogrammetrist or
16 road layout people to have a look at where we are going
17 to put the road.

18 Inevitably when they are looking at that
19 they do look at alternatives, they do say we have to go
20 from point A to point B and there is some analysis of
21 the area photos if you want to utilize that to
22 determine where that road is.

23 In our planning procedure, we would also
24 discuss alternatives with the local citizens' committee
25 prior to the open house. We would present the

1 information and they would have to the opportunity to
2 determine if those secondary roads were in the best
3 location. If they had concerns, we could provide how
4 we can came up with that alternative and I think if
5 they had a concern -- the whole basis of this local
6 citizens' committee is if they want us to look at
7 alternatives and we haven't considered them, then
8 that's a mechanism there.

9 Also, once we go to the public, if they
10 have a concern, then, you know, we can look at a formal
11 one. So there is some alternatives definitely
12 considered in the preparation of secondary roads.

13 MR. MARTEL: There still is a problem
14 with the environmental analysis. Who is going to do
15 that, who is going to analyse, who is going to look at
16 whether what you have selected -- I'm not sure you can
17 do it just from a photograph, are you going to walk the
18 area, the alternatives, or are you just going to look
19 at a photo and say that looks like the best route to
20 get from A to B?

21 I mean, pardon me, it sounds too
22 simplistic for me, okay.

23 MR. MUNRO: Perhaps I can help, Mr.
24 Martel, in that in terms of the analysis, environmental
25 analysis on particular road locations Mr. Young is

1 quite correct in what he is describing.

2 In a practical sense, we have utilized
3 individuals that know the area adjacent to where we are
4 putting roads to assist in that road location. We have
5 a tourist operator within our limit area who knows the
6 country very well and he has saved the company a
7 substantial amount of money by assisting in this
8 location, and in many cases we would put our preferred
9 option to him and ask for his input and his advice.

10 In many cases, he has suggested an
11 alternative location for, say, a portion of the road
12 and it has turned out to, in fact, be better than where
13 we were going to put it.

14 I think Mr. Young has alluded to the fact
15 that the analysis has to start at the point where
16 somebody raises a concern. To say I am going to do an
17 environmental analysis on this road when it's perfectly
18 acceptable to most parties -- and that's why where we
19 are using the advisory committee as kind of a sounding
20 board to tell us, you know, does this make sense to
21 you, do you have any new values, do you think there are
22 any concerns out there we should be addressing.

23 What we want to do is focus our detailed
24 analysis on those roads where individuals have
25 concerns, and on the other roads it's merely routine

1 business, they are not effecting anyone or any value,
2 and then we can take that effort -- and we're probably
3 going to exert the same amount of effort on those
4 roads - from the photograph that is - on those roads
5 where people have concerns.

6 Mr. Hanna has mentioned a couple of times
7 the Loonhaunt committee and that is a committee that
8 was set up to deal with a specific road, and that's a
9 good example of how we would put our time and effort
10 into a specific road instead of a whole bunch of roads
11 that no one has a lot of concerns about.

12 So hopefully we can focus our attention
13 and that's why we've used those advisory committees and
14 local tourist operators that I mentioned and would
15 hopefully get input to show us where we focus our
16 attention.

17 MR. INNES: I just want to --

18 MADAM CHAIR: Of course --

19 MR. INNES: Excuse me, Madam Chair.

20 MADAM CHAIR: Sorry, Mr. Innes.

21 Of course you start planning for roads,
22 though, by looking at the environmental guidelines for
23 road access and the riparian guidelines and so forth.
24 It is not as though you don't have any basis for an
25 understanding of the environmental impacts before you

1 start.

2 MR. MUNRO: The first thing we do is
3 identify the values and put them on and you say: Okay,
4 with the guidelines and the manuals we have in place, I
5 have to say 120 meters away from this lake trout Lake.
6 If you can do, that's great; if you can't, then you are
7 going to have to get into some detailed analysis.

8 We have in the past contracted to
9 consultants to locate -- photo locate roads and ground
10 routes as well. The first thing we do is we set out
11 the contract with the condistions that we have to
12 operate under - 120 meters from lake trout lakes, 800
13 meters I think from an eagle's nest - and we identify
14 that and then we say: Here are the photographs, you
15 try and get us through that maze of values and where
16 you can't, make sure you identify it and we will have
17 do some more detailed analysis. That's basically the
18 process that's in place.

19 MR. INNES: I just wanted to draw to the
20 Board's attention that we are talking about secondary
21 roads. And in the case of primary roads, Mr. Martel,
22 we are recommending that the alternatives be identified
23 and a full environmental analysis be undertaken for
24 each of the alternatives and these are all shown, since
25 the impact of primary roads is much more significant

1 than secondary and we recognize that fully.

2 MR. FRY: Just to add to that. Most
3 secondary roads are going to be going into areas that
4 are going to be harvested during the plan period in any
5 event. We do the analysis where they go through areas
6 of concern or through values, where they will effect
7 values, but where there is no value, then there would
8 be no analysis done.

9 MR. HANNA: Q. Mr. Young, what would
10 constitute an area containing a recognized value? It's
11 a definition issue. I want to know how close you have
12 to be to be within the area.

13 MR. YOUNG: A. I believe, Mr. Hanna, we
14 answered an interrogatory to that. I think Ministry of
15 Natural Resources No. 36 asked for some clarification.
16 If I can draw your attention to that.

17 MADAM CHAIR: Did you say interrogatory
18 No. 36?

19 MR. YOUNG: From the Ministry of Natural
20 Resources, Madam Chair.

21 MR. HANNA: Natural resources.

22 MR. YOUNG: Natural resources.

23 MR. HANNA: I'm sorry.

24 MR. YOUNG: They asked on 36(b), how is a
25 geographic extent on an area containing a recognized

1 value determined, and I think that's really in the --
2 Hanna's question is how it is determined or what's the
3 definition, and our response to that would be that --

4 MR. INNES: The answer in the book is
5 five pages further on, I believe.

6 MR. COSMAN: This is unfortunately, Madam
7 Chair, one of those pages at the back of the book that
8 was placed out of order. The questions are on one page
9 and then you have to skip five pages to get the answer.

10 MR. YOUNG: It is titled 36, No. 36.

11 MR. MARTEL: I think we struck out.

12 MR. COSMAN: Right after question 49.

13 MR. HANNA: Use that one. (handed)

14 MADAM CHAIR: Thank you, Mr. Hanna. Oh,
15 I am looking at the answer, I thought that was the
16 question. I am looking at answer No. 36. Thank you.

17 MR. INNES: It's a pimeson situation,
18 Madam Chair.

19 MR. YOUNG: If I understand the question,
20 Mr. Hanna, you said how would we define an area
21 containing a recognized value.

22 As we stated in our interrogatory, the
23 plan author utilizing the guidelines and with input
24 from the technical experts and local citizens'
25 committee would determine really the geographic extent

1 of an area containing a recognized value. So that's
2 the mechanism that we would see determining that area.

3 MR. HANNA: Q. So, it's a site-specific
4 determination?

5 A. That's correct.

6 Q. Under point A, with respect to the
7 analysis of the corridors, you indicate that the
8 assessment of effectiveness --

9 "One of the criteria in assessment of the
10 effective in providing access to areas of
11 operations..."

12 What criteria would be used to determine
13 effectiveness?

14 A. We have not listed the criteria that
15 we would assess in determining whether the corridor was
16 effective in providing access to the operations.

17 I would suggest distance of that road
18 corridor would be one, the road construction parameters
19 within that corridor would be one, the amount of gravel
20 or aggregates associated with that corridor, the
21 corridor in relation to values and how we --

22 Q. Excuse me, Mr. Young, but isn't that
23 B?

24 A. That would be B, but it would also
25 come into section A. As Mr. Munro pointed out, we

1 determine where the values are and we allocate our
2 roads or determine our road corridors based on those
3 values. So, really the value is to determine where the
4 road is going to go.

5 Q. This is a question -- this is an
6 analysis of alternative corridors and we are going to
7 have a series of corridors and we are going to analyse
8 them.

9 A. That's correct.

10 Q. And you've set out here the basis
11 upon which the analysis be carried out. One would be
12 an assessment of effectiveness, another would be
13 assessment of how values had been accomodated.

14 I understand that the values -- I'm not
15 suggesting values wouldn't be used in determining the
16 location and I'm not saying they wouldn't be used in
17 the assessment, but that's covered in B.

18 I want to know what's covered in A. You
19 have given me distance, amount of gravel, road
20 construction parameters. Now, I didn't know what road
21 construction parameters are?

22 A. The amount of aggregates is probably
23 one of them, distance required to -- as I said,
24 distance of the road because that affects the
25 transporation to the mill.

1 Q. You've given me both of those. You
2 said distance, amount of aggregate and then road
3 construction parameters. Are they already captured in
4 distance and gravel?

5 A. I think gravel is properly the
6 biggest one in construction parameters.

7 Q. Okay.

8 MADAM CHAIR: Doesn't this touch on
9 evidence we received from Mr. Tenaglia and the MNR
10 witnesses about classes of roads and all the
11 engineering details and all that sort of stuff?

12 MR. HANNA: Yes, Madam Chair. The point
13 is -- I'm not trying to go back through how we build
14 roads in any way whatsoever.

15 Q. The point of this is this: Mr.
16 Young, those are all economic factors, aren't they,
17 distance, amount of aggregate?

18 MR. YOUNG: A. Yes. A couple other ones
19 that I think we have to consider in road location is
20 the slope of the land or grade of the roads, the safety
21 aspect also. I think we have to consider those are
22 some of the other criteria that I would suggest that we
23 have to look at.

24 Q. Okay.

25 MR. COSMAN: Mr. Hanna, when you said

1 that those are all economic, you are talking about A
2 only.

3 MR. HANNA: I'm talking about A only, Mr.
4 Cosman. Thank you.

5 MR. COSMAN: Okay.

6 MR. HANNA: Q. Now, the assessment of
7 how values have been accommodated. What will that look
8 like? What criteria would be included in that? How
9 would you measure how the values have been
10 accommodated?

11 MR. YOUNG: A. The values would be
12 identified, and in our case we are saying that the
13 guidelines would be utilized to provide prescriptions
14 for those road locations.

15 So, I would suggest that an assessment of
16 values would be accommodated, it's the utilization of
17 the guidelines and a statement of what is the
18 prescription identified to protect that value from the
19 guidelines -- obtained from the guidelines.

20 Q. Mr. Young, in preparing this planning
21 program for access roads, did you review other
22 environmental assessments for transportation projects?

23 A. I personally did not, no.

24 Q. So you are not familiar with how the
25 environmental assessment of these various types of

1 factors is often presented in transportation projects,
2 such as new highways?

3 A. Personally I am not.

4 Q. Is anyone else on the panel?

5 MR. INNES: A. No.

6 Q. Will this assessment comprising these
7 four groups of criteria be presented in a tabular
8 format or some summary format that the public can see
9 the criteria with respect to each alternative and some
10 summary of those?

11 MR. YOUNG: A. Yes. We've stated in our
12 evidence that the analysis of those alternatives and
13 the assessment will be documented. The format that
14 we've actually envisioned, no, we have not set that up.
15 That would be in a table or it would be in a written
16 format.

17 We definitely recognize the need to
18 analyse that and look at the assessments and document
19 those, but as far as the actual format, no, Madam
20 Chair, we haven't set that out in specific terms.

21 Q. Now, will the assessment include the
22 socio-economic implications of the road both
23 individually and as it relates to the existing road
24 network and proposed road network?

25 A. The socio-economic, no. In our

1 proposal, the consideration and analysis of alternative
2 corridors, as we've set out here, would not include
3 social/economic. We have indicated that there would be
4 some economic analysis, it's outlined in C, where those
5 economic analysis are applicable.

6 I think the actual social/economic
7 analysis would come into play, as Mr. Munro pointed
8 out, where there is a concern raised. He said that.
9 Where there is a concern raised we would go through an
10 analysis, determination of alternatives, the analysis,
11 the mitigation and preventative measures and really the
12 decision of what we are going to do and the rationale
13 associated with that.

14 So, I would suggest that would be a more
15 appropriate place where that would take place.

16 MR. INNES: A. But if there are
17 implications, Madam Chair; for example, a primary road
18 hooking up with another possible primary road that
19 leads to a community or provides quicker access between
20 communities, those things would have to be taken into
21 consideration in the analysis of alternatives and those
22 would quantify -- would qualify, excuse me, as
23 socio-economic impacts.

24 So, to the extent that that's a part of
25 the analysis, yes, that would be documented.

1 Q. So the beneficial sides would be
2 documented if there are socio-economic impacts other
3 than is directed to the forest industry?

4 A. Where that's appropriate, certainly,
5 as primary roads have a major impact on the development
6 of an area and must relate to the infrastructure that
7 currently exists.

8 Q. And they have a major impact in terms
9 of, for example, Crown land recreation?

10 A. Yes, quite so.

11 Q. So that would be an important thing
12 in your view to consider and to evaluate as part of the
13 assessment?

14 A. If it wasn't for the forest industry
15 building roads in northern Ontario, we'd have probably
16 90 per cent less than we now do in terms of major
17 access routes. So it's very, very important, yes.

18 Q. Mr. Young, what minimum requirements
19 are there in terms of information for non-timber values
20 for the proposed access road planning process of the
21 Industry.

22 MR. YOUNG: A. For non-timber?

23 Q. Yes.

24 A. Can you give me an example?

25 Q. Sure. What minimum amount of

1 information do you have to have in terms of wildlife
2 along the road corridor, not just being a moose survey
3 maybe, but also whether or not there is a heronry,
4 whether or not there is an osprey's nest?

5 Do you have to go out or do you use the
6 information that exists with the Ministry?

7 A. That information would be obtained
8 from the values maps that's prepared as part of the
9 preplanning component. Those values would be
10 identified and mapped and we would take those into
11 consideration in the planning of alternate corridors.

12 Q. Can we turn to page 27 of the OFAH
13 terms and conditions and look at conditions 156 and
14 157, 158.

15 MR. COSMAN: Numbers again.

16 MR. HANNA: Page 27, conditions 156 to
17 158.

18 MR. YOUNG: Numbers again, Mr. Hanna,
19 please.

20 MR. HANNA: 156, 157 and 158.

21 MR. YOUNG: Yes, I have read that, Mr.
22 Hanna.

23 MR. HANNA: Q. Is the forest industry in
24 support of the substantive intent of those, without
25 getting hung up on the words?

1 MR. YOUNG: A. As you've put it, the
2 substantial intent of those, as I read it, is that
3 there would be an on-site survey by qualified
4 biologists for all road locations.

5 Q. Prior to construction.

6 A. Prior to construction. No, we feel
7 that it would be a very, very large job to do an
8 on-site survey. We feel that the values map should be
9 able to quantify the values for the forest management
10 unit and we feel that the values map is a mechanism to
11 identify values, and we don't see the requirement to do
12 an on-site survey by a biologist. It's a monumental
13 job to go out and survey...

14 MR. MARTEL: What do you mean by survey?
15 Can I get that clarified, Mr. Hanna. Is that walk the
16 entire area to be harvested?

17 MR. HANNA: Mr. Martel, reconnaissance
18 survey from an ecological or biological point of view
19 does have a technical meaning to it in terms of level
20 of detail and those types of things that would be
21 carried out. That may be what's required.

22 It depends upon the nature of the site,
23 the level of knowledge you have in terms of site,
24 whatever information is available, sundry things that
25 might affect that decision.

1 We will be, of course, leading evidence
2 explaining to the Board what we mean a reconnaissance
3 survey.

4 MR. YOUNG: Mr. Hanna, Madam Chair, if I
5 could add to that. I believe Mr. Zorn gave testimony
6 that in many cases he walks those road locations and
7 prepares notes about features, specifically about road
8 construction features, but in cases where he found
9 values, he would relay that message along the Ministry
10 of Natural Resources.

11 So, in some cases there are, if you want
12 to call it, surveys, in this case done by operational
13 people in the forest industry and I am certain that Mr.
14 Zorn gave testimony to that effect, that he would pass
15 that information along to the Ministry of Natural
16 Resources--

17 MADAM CHAIR: He did, Mr. Young.

18 MR. YOUNG: --and that would form part of
19 the values map.

20 MR. HANNA: Yes, we did.

21 Q. I would like to turn to another term
22 and condition of the Federation on page 5, the term and
23 conditions 21 to 26. I would like you to read those.
24 It might be wise to read the rationales also and I
25 would like to have your view on whether or not you

1 support those.

2 MR. YOUNG: A. Term and condition 21 to
3 26 you said?

4 Q. Yes. Maybe we will just go through
5 them individually, but if you could look at them. You
6 have done that now?

7 A. Yes, I have read those.

8 Q. Let's start with 21. Do you agree
9 with that?

10 A. I think Mr. Innes put it very well in
11 his statement that, yes, the forest industry does build
12 access roads in northern Ontario and those access roads
13 are utilized by all other forest users.

14 So, yes, there is benefits not only to
15 the forest industry in construction of access roads,
16 but also to other forest users.

17 Q. Okay. The really important one I
18 think is 22. It's really important for our discussion
19 right at the present time. I want to know whether you
20 agree with condition 22.

21 A. Condition 22 through 26 is the
22 projection beyond, as I read it and understand it, the
23 projection beyond the 20-year plan to look at long-term
24 access road locations.

25 Q. Correct. If you will, the managed

1 access state of the forest.

2 A. We had at look at this, this term and
3 condition, and the Ministry has suggested this in some
4 of their background to their revised T and Cs.

5 We feel -- the Industry feels that the
6 20-year time horizon currently utilized is of
7 sufficient scope in order to look at access, primary
8 access within our forest management units.

9 Some of the factors we utilized in making
10 that statement is really we looked at the technological
11 changes that have taken place in the forest in the
12 last, say, 30 years. Thirty days years ago, in some
13 cases, our units -- the wood brought to the mills was
14 strictly from the river drives, then there was tandem
15 trucks to access the road -- access the rivers, then we
16 went to off road haul.

17 Technology has changed a lot in the last
18 20 to 30 years and it will probably continue to change
19 in the next hundred years, definitely. We feel that 20
20 years is probably a sufficient time horizon. As you
21 operate a forest management unit for the next hundred
22 years, you would not continually construct the primary
23 roads. At some point you would reach a fairly plateau
24 where the area would be accessed. So it is really
25 dependent on the actual forest management unit, the

1 level of access that is going to take place.

2 There is also changes in the forest that
3 could affect access roads; fire could change the
4 direction of where those roads are going to take place.

5 Q. Mr. Young, I understand all of those
6 concerns. To summarize what you are saying there is,
7 there is a lot of things we can anticipate in the
8 future that could changes things?

9 A. That's correct.

10 Q. Do those uncertainties not affect
11 just as much where we build -- we design for the next
12 20 years? That fire could occur tomorrow, it could
13 occur in year 19 and it may just as well affect us. We
14 can't deal with what we don't know?

15 A. That's a good statement, yes.

16 Q. So that problem is there whether I'm
17 dealing for 5 years, 20 years or 100 years?

18 A. That's correct.

19 Q. So that's a fact of life. And when
20 we were doing log drives down the rivers we designed
21 those logs drives without knowing that we might have
22 helicopter logging at some time in the future, but are
23 you disagreeing with the basic premise that we should
24 make our best forecast into the future, look as far
25 into the future as reasonable and recognizing there is

1 uncertainty, make our best decision at this time
2 looking at what we think the full state of that forest
3 is likely to be given what we know, technology might
4 change, how we know fires might happen, whatever?

5 A. I agree with that statement, Mr.
6 Hanna. I guess we disagree on the projection or the
7 the horizon. We as an Industry feel that 20 years is a
8 satisfactory planning horizon for us to project those
9 roads ahead.

10 MADAM CHAIR: I believe, Mr. Young, that
11 we have evidence from your colleagues on previous
12 panels to the effect that even 20 years is stretching
13 their ability to plan with any assurance.

14 MR. YOUNG: Madam Chair, if I offer. The
15 timber management plan is revised every five years and
16 that projection is put ahead another 20 years.

17 So, at any given time there is
18 projections ahead of where we plan to, you know,
19 provide access for the forest management units. So, 20
20 years, I think we've been very clear in the Industry,
21 that that's we feel a sufficient horizon.

22 Q. Mr. Young, are you familiar with the
23 access planning system used in the U.S.?

24 MR. YOUNG: A. No, sir, I'm not.

25 Q. You have no idea of the time horizon

1 over which such plans are made?

2 A. No, sir, I'm not.

3 Q. Would it surprise you if I told you
4 they use a 50-year high horizon?

5 A. As I say, I'm not aware of that
6 system and I would not like to comment on that.

7 MADAM CHAIR: Mr. Young, could you
8 explain briefly what you meant by a fully accessed
9 area? Are you looking at a rotation period for
10 planning access roads?

11 You are saying to the Board at some point
12 an area is accessed and could be expected to remain
13 accessed if those roads were maintained in some way?

14 MR. YOUNG: Yes, Madam Chair. I guess
15 what I'm saying is, I used the word access in a broad
16 sense. I have experience in two forest management
17 areas, Nipigon and Armstrong.

18 The Nipigon area has been operated for
19 the last 60 years and access has included highways,
20 primary roads we've constructed 30 or 40 years ago that
21 are still in place. So, at some point the general
22 access of that area is reached, not to every square
23 inch of it, but the primary access to provide, if you
24 want to call it, access to that area.

25 The opposite in Armstrong. It's an area

1 that does not have access. Really, there was only one
2 road about 10 years ago to that area. So it's going to
3 take a while to access the Armstrong Forest and that's
4 going to progress over the next -- as they say in the
5 case of the Lake Nipigon Forest, in the next 50, 60
6 years that will take hand.

7 MR. HANNA: Q. The Armstrong Forest will
8 take 50 or 60 years?

9 MR. YOUNG: A. To be in the same state
10 as the Lake Nipigon Forest where we've had activities
11 for the last 50 years, yes, if I want to compare those
12 two forests.

13 Q. You just said Nipigon, I just wanted
14 to clarify that.

15 A. Yes.

16 Q. So what you are saying is that the
17 primary access system in the Nipigon Forest is
18 established for all intents and purposes?

19 A. I wouldn't say the primary roads, but
20 the general access to that area is, I would say, 80 per
21 cent to 90 per cent complete. The general locations of
22 that area have been accessed either through highways or
23 through primary roads that have been built in the last
24 40, 50 years.

25 Q. And you understood this term and

1 condition to be dealing with the primary access system
2 in the same sort of general level?

3 A. Yes, that's correct.

4 MR. SUOMU: A. If I might bring to the
5 attention of the Board the Wabigoon Forest unit which
6 you had an opportunity to see, in fact, most of it on
7 the first site visit. That particular forest, again,
8 is similar to the Nipigon Forest. It's about 80 per
9 cent accessed in terms of the primary access corridors
10 and roads.

11 One major access area which was projected
12 back in the early 1970s had a major fire. That, in
13 fact, changed the whole scope of the whole 20 year --
14 of the 20-year road projections at that time. In
15 effect, in that particular forest the major access
16 routes are in place and I don't think there are any
17 surprises as to where roads would be projected to go.

18 So, in terms of projecting a forest -- an
19 ultimate forest access plan, that one might be
20 certainly a lot easier to do than on our Trout Lake
21 Forest where we've been only been operating for 15
22 years. There are a lot of unknowns sitting out on the
23 ends of those road corridors and, again, I think when
24 you project long term, hundred years, I think you are
25 perhaps putting a lot of uncertainty into the system

1 and I think, as was mentioned, 20 years is a good
2 planning horizon in that the uncertainties of 20 years
3 are going to much less than the uncertainties of 50
4 years.

5 Q. Mr. Sumou, are you putting
6 uncertainty into the system or isn't the uncertainty
7 already there?

8 A. I guess the uncertainties are already
9 there.

10 Q. You are just dealing with it?

11 A. In some cases we can make better
12 projection over a 20-year time period than a 50-year.

13 Q. When you make a 20-year projection,
14 Mr. Suomu, do you close your mind to anything beyond
15 that?

16 A. No, you do not.

17 Q. You do consider --

18 A. Yes, we do.

19 Q. It's just a matter of whether or not
20 that's laid out? That's the difference; isn't it?

21 A. Anyone laying out road systems would
22 in fact look at the overall license. A 20-year
23 projection is not made in isolation.

24 Assuming things change they way that you
25 assume they are, in terms of stand development and no

1 fires and if harvesting projects in the way that you
2 have assumed, and that is in the operating plan period,
3 then, yes, we can project.

4 But I think as we had looked at -- even
5 over the last 20 years, there were enough changes in
6 those 20 years that projections made 20 years ago would
7 not have exactly come to bear. In fact, there were
8 some fairly major ones. I think Mr. Fry had brought
9 one up on the river drive; a complete change in
10 delivery systems has resulted in a complete different
11 focus in the road pattern. So that was one example.

12 MADAM CHAIR: Excuse me, Mr. Hanna. Mr.
13 Freidin, some time ago we brought to MNR's attention
14 the fact that the Board didn't feel it had a
15 comprehensive overview of how well accessed by forest
16 roads this large area of the area of the undertaking
17 was and you reported back to us, and can you remind me
18 what you said?

19 MR. FREIDIN: I'm not sure whether we did
20 report back. I know that was something that was in the
21 works. We have not responded. We haven't provided
22 that yet, but it's being addressed.

23 MADAM CHAIR: It's still on the Board's
24 mind.

25 MR. FREIDIN: Yes.

1 MADAM CHAIR: Thank you.

2 Mr. Hanna?

3 MR. HANNA: Q. Mr. Munro, the enhanced
4 planning process -- this is just another dribble and
5 drabble left over from yesterday.

6 I think we talked about the enhanced
7 planning process, potentially it could be exploited if
8 someone was to come in and say I want an enhanced
9 planning process and everything and you had said:
10 Well, theoretically that was possible, but if it was to
11 occur that there would be a lot of discussion between
12 the plan author and the district manager and whoever
13 else might be involved.

14 Now, I just want to make clear, does the
15 enhanced planning process automatically kick in or is
16 there a discretion in terms of whether whether the
17 enhanced planning process kicks in or not?

18 MR. MUNRO: A. Madam Chair, Mr. Martel,
19 what we have led evidence on is that if any concern is
20 raised about a planned activity in the draft plan the
21 enhanced planning process automatically kicks in.

22 Q. Thank you. Section 3.10 on page 40.
23 This is Mr. Suomu.

24 MR. SUOMU: A. Finally.

25 Q. You've been waiting. It has been a

1 long wait, I apologize. Paragraph 5 says that:

2 "The classification..." This is dealing
3 with the amendment process, correct?

4 Paragraph 5 says that:

5 "The classification of a proposed
6 amendment as a major amendment should
7 should only occur where the intent of the
8 previously approved timber management
9 plan would change significantly. "

10 What do you mean by the intent of the
11 previously approved plan changing significantly?

12 A. Madam Chair, Mr. Martel, under the
13 OFIA's planning process, all of the background leading
14 up to the draft plan stage has gone through public
15 input and during this particular planning period, which
16 encompasses a two-year time span, all of the
17 background, the rationale has been laid out to the
18 public as to what they might expect from the
19 implementation of an approved plan.

20 If the expectation levels are
21 dramatically changed as a result of an amendment and it
22 no longer is covered by what was dealt with during the
23 background development of that plan, then in fact it
24 becomes something entirely different to which the
25 public had no opportunity to make input, and at that

1 stage we would say that there has been a significant
2 change from the direction from which the public had
3 been led that that plan would take place.

4 Q. Mr. Suomu, I'm doing my best here to
5 be a quasi-barrister and try and define where the line
6 is in terms of when it's a major and when it isn't a
7 major amendment. That's the intent of my question.

8 Let me just try it another way. If clear
9 objectives had been established for the timber
10 management plan for both timber and non-timber values,
11 would you not agree that a need and clean basis for
12 determining a major or minor amendment would be as
13 follows, and I will read it to you: A major amendment
14 would occur where a specified plan objective could no
15 longer being be accommodated through revisions to the
16 planned timber management activities.

17 Let's just stop there for a major
18 amendment and I will come back to a minor amendment.
19 There is another caveat to the major, but as the first
20 step in defining a major amendment, would that be a
21 reasonable way to put in measurable, quantified terms
22 what you mean by the intent of the plan being changed?

23 A. Would you repeat that again, please?

24 Q. Certainly. A major amendment would
25 occur where a specified plan objective could no longer

1 be accommodated through revisions to the planned timber
2 management activities.

3 While you're considering that, I just
4 want you to be very careful about the words there. I
5 use the word objectives, not targets, but targets
6 possibly could be used also, but I think the important
7 thing is that it is revolving around those quantified
8 objectives or targets that are set in the plan.

9 ---Discussion off the record

10 MR. SUOMU: I think that would be a fair
11 statement, yes.

12 MR. HANNA: Q. A minor amendment would
13 be one whereby objectives...

14 MR. SUOMU: Would you like me to repeat
15 the answer? I think that would be a fair statement as
16 to a -- as a requirement for a major amendment.

17 MR. HANNA: Q. And a minor amendment
18 would be one whereby objectives still could be
19 accommodated through adjustments to the planned timber
20 management activities and no individuals and groups
21 were potentially affected?

22 MR. SUOMU: A. You will have to qualify
23 that second statement where you state that individuals
24 or groups would not be affected.

25 Under a minor -- under the Industry's

1 proposal, a minor amendment may affect individuals and
2 we are not saying that because individuals are not
3 being affected that it automatically goes to a major
4 amendment.

5 Q. And that determination as to whether
6 it goes to a major or a minor would be made by the
7 district manager?

8 A. That is correct, yes.

9 Q. Okay. Accepting that, would the
10 first part -- I gather then the first part would be
11 acceptable.

12 What role do you see the local citizens'
13 committee playing in the determination of whether
14 amendments are administrative minor or mayor?

15 A. The local citizens' committee is a
16 forum through which the district manager can gage the
17 sensitivity of the amendment request and it's reaction
18 by the public. So in that sense, yes, I would think
19 that he would use the advisory committee if he's
20 uncertain or if he wishes to gage the effects of that
21 request on those publics which have had input into the
22 plan.

23 Q. Are you suggesting that that would
24 then be at the discretion of the plan author or would
25 that be a requirement that that be reviewed with the

1 local citizens' committee?

2 A. Under our terms and conditions, we
3 have not put it as a requirement, although I would
4 think that the district manager - and I think in terms
5 of assessing the impact or reaction by the public - the
6 Ministry has or the district managers have, in my
7 experience, gone out of their way in order to look at
8 what the public reaction might be, so they don't do
9 this in isolation.

10 I think they are very cognizant of the
11 public's involvement and interest and in those people
12 who have had any inputs at all are definitely -- would
13 be contacted directly.

14 Q. So what I am hearing you say then is,
15 it would not be unreasonable requirement because you
16 would probably do it anyways?

17 A. No, I don't think it would be
18 unreasonable at all.

19 Q. Well, we have two matters here to
20 cover, Panel, and we will be finished. One is soil
21 compaction. I had asked you to review Volume 201 of
22 the transcripts and in there I had a discussion with, I
23 believe, Mr. Waddell regarding soil compaction.
24 I don't wish to -- if you want to pull it out you can.
25 I am not going to deal with it in detail unless we get

1 bogged down.

2 What I'm really interested in knowing,
3 and I am not sure who on the panel is the person -- Mr.
4 Innes, when I don't know I always point at you, so I'll
5 point at you. I would like to know if the Industry
6 would be supportive of establishing objectives or
7 specific standards in terms of soil compaction without
8 being specific -- we will deal with the specifics, but,
9 first of all, the general principle.

10 MR. FREIDIN: Madam Chair, Mr. Cosman
11 wasn't here, but that very question was put to Panel
12 No. 6 and a couple of other panels about setting
13 objectives.

14 MR. HANNA: Madam Chair --

15 MR. FREIDIN: The fact that there are
16 objectives or standards set on some units in the
17 northern region, the Clay Belt, et cetera.

18 MR. HANNA: I really don't know why Mr.
19 Freidin is making this objection, he obviously hasn't
20 read the --

21 MR. FREIDIN: I'm --

22 MR. HANNA: Can I finish please, Mr.
23 Freidin.

24 MR. FREIDIN: I have read the transcript.

25 MR. HANNA: It was made very clear, Madam

1 Chair, when I asked this question, I went through it
2 for some time, Ms. Cronk actually interjected that this
3 is a planning issue, one that should be dealt with in
4 Panel 10 in terms of specifically how it should be
5 dealt with and that's the reason that I said at that
6 time I am quite prepared to move and not to deal with
7 it any further at that time because I would deal with
8 it in Panel 10.

9 Q. Now, Mr. Innes, do you mind answering
10 my question, please.

11 MR. INNES: A. Could I ask you to--

12 Q. To repeat the question.

13 A. --repeat what page number that was on
14 because I did read the transscript, Madam Chair, and I
15 have highlighted parts of that for my information.

16 Q. Oh, I'm sorry. It starts -- the
17 discussion, as I recall, started at 35,572 and I
18 believe it carries over, Mr. Innes, to 35,585.

19 A. Thank you, I have that in front of
20 me. Just give me a moment, if you would, please, to
21 look at my highlighted areas.

22 Q. Sure.

23 MADAM CHAIR: Mr. Innes.

24 MR. INNES: Thank you, Madam Chair. Your
25 question I believe, Mr. Hanna, this morning is similar

1 to the one that you raised on page 35,573.

2 "I put a proposition to you that one
3 way of dealing with site degradation
4 would be a set of environmental
5 objectives, such as soil compaction
6 limits."

7 That's the essence of your question--

8 Q. Correct.

9 A. --this morning. There is in no
10 question in my mind that there is an interaction
11 between soil compaction and the potential for forest
12 growth and, as a result, it's of concern to anybody
13 managing an area as to what happens to a site either
14 through the improper use of machinery or improper
15 treatments or whatever may in fact cause soil
16 compaction.

17 That, however, brings us to an area of
18 science. We discussed this issue with this particular
19 panel, Madam Chair, Mr. Martel, because it was brought
20 up as a piece of evidence that may be cross-examined
21 on. We are concerned about the complexity of how we
22 deal with this because of the different types of soils
23 and also the different species of vegetation and the
24 difference sites upon which they reside, and we thought
25 perhaps a way to get at it rather than trying to

1 establish overall soil compaction parameters perhaps on
2 a provincial basis would be to have the issue examined
3 during the course of construction of the guidelines by
4 the technical experts, and during that process
5 specifically deal with some of the potential for
6 problems or potential for quantification of soil
7 compaction with respect to individual management
8 techniques.

9 Now, these could not and perhaps only be
10 in guidelines if that was appropriate for a certain
11 management technique on a certain site, but perhaps it
12 might also be built into the silvicultural manuals in
13 which specific direction is provided as to what's
14 appropriate in terms of individual harvesting
15 techniques or machinery configurations and use with
16 various species.

17 So recognition of a need but not
18 agreement with Mr. Hanna's suggestion. The way I
19 understand it, Mr. Hanna -- maybe I'm taking it beyond
20 what you intended in your question.

21 MADAM CHAIR: Excuse me, Mr. Innes.
22 Which current guidelines are you referring to with
23 respect to soil compaction, or are you saying that soil
24 compaction should be considered for the development of
25 guidelines?

1 MR. INNES: I'm saying that it should be
2 considered in the development of guidelines, Madam
3 Chair. I have used the term guidelines rather loosely
4 and I apologize for that. I should say manuals,
5 implementation manuals and guidelines where appropriate
6 in this particular...

7 MADAM CHAIR: All right. And then you
8 are suggesting under your proposal that they could be
9 reviewed by the technical committees and the experts?

10 MR. INNES: Yes, and they should be
11 developed by the technical committees whose charge it
12 is to look into these matters.

13 MR. HANNA: Q. That's the provincial
14 technical group you are referring to?

15 MR. INNES: A. Yes, that's correct, Mr.
16 Hanna.

17 Q. Okay. Last topic.

18 MR. MARTEL: It's short, is it?

19 MR. HANNA: Yes, it's short.

20 Madam Chair, I would like to introduce as
21 an exhibit the document Mr. Cosman spoke to you
22 yesterday about. It's draft term and conditions which
23 we expect to add to the Federation's terms and
24 conditions at the end of September. I have provided
25 them to Mr. Cosman and to the panel and asked them to

1 consider it and I would like to ask them a few
2 questions on it.

3 MADAM CHAIR: All right, Mr. Hanna. I
4 believe that's Exhibit 1284. This is a two-page list
5 of ten revised terms and conditions being submitted by
6 the Ontario Federation of Anglers & Hunters.

7 Did you want to date that today, Mr.
8 Hanna?

9 MR. HANNA: Certainly.

10 MADAM CHAIR: August the 16th, 1990.

11 MR. HANNA: What was the exhibit number,
12 Madam Chair?

13 MADAM CHAIR: 1284.

14 MR. COSMAN: Madam Chair, just before Mr.
15 Hanna asks his questions. Again, my caveat is very
16 short and that is that we have own seen this since
17 yesterday, so I don't know if the witnesses have had a
18 chance to really deal with it, but I am certainly
19 prepared to allow them, to the extent they can, to
20 assist Mr. Hanna with his -- answer Mr. Hanna's
21 questions.

22 MADAM CHAIR: Thank you, Mr. Cosman.

23 Mr. Hanna, if these should be further
24 revised before they are submitted formally you will let
25 the Board know.

1 MR. HANNA: Oh, yes. This should be
2 viewed simply as interim until we submit our final
3 terms -- or our final draft terms and conditions.

4 MADAM CHAIR: Thank you.

5 MR. HANNA: Q. Mr. Innes, who should I
6 ask these questions to?

7 MR. INNES: A. Madam Chair, I shall
8 begin answering and then I will direct it from there,
9 if I may.

10 Q. All right.

11 MADAM CHAIR: Excuse me. Mr. Martel
12 pointed out these are five conditions not ten. I was
13 looking at the rationale, excuse me, and the subject is
14 maintenance of bio-diversity.

15 Sorry, Mr. Hanna.

16 ---EXHIBIT NO. 1284: Two-page list of five revised
17 terms and conditions submitted by
the OFAH, dated August 16, 1990.

18 MR. HANNA: Q. Now, Mr. Innes, we spoke
19 yesterday -- I'd referred you to the evidence of Mr.
20 MacCormack and, in fact, I believe Mr. Martel had asked
21 us questions or put a question to me saying -- I don't
22 know if it was directly to me, but it was certainly a
23 question to some one as to how to deal with the extreme
24 complexity involved in dealing with the forest; all the
25 different factors, all of the different tradeoffs

1 involved and whatever.

2 I had said that I had hoped to have some
3 possible solution to that and I was referring
4 specifically to this. It's in that context that I want
5 to ask you these questions, okay? You understand that?

6 MR. INNES: A. Yes, I understand that.

7 Q. Now, I think we have agreed and you
8 do agree with me it is extremely difficult to deal with
9 the complexity of the forest in an explicit way, all of
10 the elements, everything from butterflies to black
11 spruce?

12 A. It is a most complex ecosystem and
13 some of the testimony led indicated perhaps the most
14 complex. I believe it was Dr. MacCormack who made that
15 statement.

16 Q. And you are familiar with concerns
17 such as the problem of stand conversions, the idea of
18 taking, for example, mixed wood stands and converting
19 it to perhaps a spruce dominated stand and the concern
20 that some members of the public have in terms of
21 non-timber values that that might have?

22 A. I can understand how there could be
23 concerns, Madam Chair. They haven't been expressed to
24 me directly, but I can understand how there could be,
25 yes.

1 Q. And I'm sure you've heard the concern
2 that some people have expressed of having the forest
3 turn into an industrial monoculture of simply
4 commercial trees? That's not a new concern to be
5 expressed to you?

6 A. That's been expressed many times,
7 yes.

8 Q. And you are familiar with the concern
9 that Dean Baskerville identified in his paper in the
10 appendix of Exhibit 378, his appendix on adaptive
11 management, the difficulty in defining diversity,
12 interspersion, those qualitative terms that are often
13 considered to be very important but very difficult to
14 quantify?

15 A. That's correct.

16 Q. And you share that view?

17 A. Yes.

18 Q. Now, what I've put before you is an
19 attempt to try to deal with that particular issue. Do
20 you see it in that way? Is that your interpretation of
21 it?

22 Can you see how this could be used as one
23 means of addressing that issue? Not whether it's a
24 good way or a bad way, but do you see this as a way to
25 address that?

1 MR. COSMAN: Just so I understand the
2 question. You are asking if Mr. Innes sees that this
3 is a way that you are putting forward to address it?

4 MR. HANNA: Does he see this as a way to
5 deal with that list of issues I've just described to
6 him, the concern of diversity, the concern of stand
7 conversions, the concern in terms of industrial
8 monocultures, that types -- dealing with a complex
9 ecosystem.

10 MADAM CHAIR: I think you have to ask,
11 Mr. Hanna, whether Mr. Innes agrees or disagrees with
12 that approach. Obviously, it's one approach of many, I
13 assume.

14 MR. HANNA: Q. Do you agree -- let's
15 deal at the very highest level. Do you agree with the
16 need to set in motion some structure to respond, some
17 planning process or some component of the planning
18 process to deal with those issues?

19 MR. INNES: A. Madam Chair, we have not
20 tested this process across the forest industry and what
21 we will say this morning represents a collective view
22 of the panel where we identify it as such or, in this
23 case, my personal view which I hope will be of
24 assistance, and there will be testing later upon the
25 forest industry.

1 MR. COSMAN: In that regard, Madam Chair,
2 if it is of assistance to Mr. Hanna, we would certainly
3 undertake to respond after it has been examined and
4 tested. So we can put that undertaking on the record.

5 So apart from the views, the views of the
6 five individuals here, he would have a response from
7 the forest industry with respect to his proposals.

8 MR. HANNA: Madam Chair, the reason I'm
9 raising this now is simply, we have, as you know, a
10 negotiation process that's taking place outside of this
11 hearing and there is also the need to bring some of
12 that material, some of those discussions before you and
13 the only reason I have done this now is try and bring
14 forward that discussion.

15 I would have much preferred it dealt with
16 through the negotiation session. We hadn't figured out
17 how to deal with it at that time, and we will be
18 undertaking to have discussions with the Industry and
19 other parties on these term and conditions.

20 I think it is important and I accept Mr.
21 Cosman's undertaking. I'd very much like to get some
22 sort of formal response from the Industry that can come
23 before the Board, but I think it's still worthwhile to
24 at least explore it to the extent we can with this
25 panel.

1 MADAM CHAIR: That's fine, Mr. Hanna.

2 Mr. Martel and I are going to have to rise at five to
3 twelve today which means we are going to have to stop
4 now.

5 Were you intending on returning after
6 lunch? No, you weren't.

7 And you see some benefit instead of
8 receiving a written...

9 MR. HANNA: Perhaps we could do this,
10 Madam Chair. I would like to get Mr. Innes' comments
11 in a general way. I will --

12 MR. INNES: We can be most succinct in
13 this matter, Madam Chair.

14 MADAM CHAIR: All right, Mr. Innes, go
15 ahead.

16 MR. INNES: The forest industry
17 recognizes the desirability of having bio-diversity
18 across the management unit level and, indeed, across
19 our forest structures. We think that is important and
20 we recognize that principle.

21 We were diligent in discussing this and,
22 indeed, we discussed it at some length last night. We
23 had great difficulty in accepting the approach of using
24 the forest ecosystem classification as set out here
25 because it deals with only, as we understand it, the

1 most mature stage of forest that is found upon an
2 individual site and I believe, Mr. Hanna, you allude to
3 that in your descriptive comments for the rationale
4 part over here.

5 There has been a tremendous amount of
6 work which has gone on to even get the FEC to the point
7 where it now is; for example, I understand something
8 like seven years in the northcentral region were
9 required to even develop a system and there were a
10 number of years in the northern region, et cetera.

11 You would have to, if we understand it
12 correctly, go through and develop a similar system for
13 each of the successional stages on each of the sites
14 throughout the area of the undertaking which is a
15 gargantuan job. That's not to say it can't be done,
16 it's just a gargantuan job, and then you would have to,
17 after that, map the entire area of the undertaking
18 using the FEC system and, again, our understanding is
19 you cannot do this by aerial interpretation solely
20 because there are soil types involved with this.

21 As a result, we are having a tremendous
22 amount of difficulty in saying how can this be
23 operational in a way which is meaningful. We have no
24 suggestions to put before the Board at this time other
25 than to say that we promise to -- or undertake to

1 examine it in greater detail, touching base with the
2 technical experts who did develop the FEC system to see
3 whether we are missing something in terms of this
4 proposal and in terms of its workability.

5 MR. HANNA: Q. Thank you, Mr. Innes. Is
6 there an alternate proposal contained in the timber
7 management planning process that the Industry has
8 brought forward at the present time?

9 MR. INNES: A. There is not at this
10 time, Madam Chair.

11 MR. HANNA: Panel, I, in all sincerity,
12 appreciate the time and patience you have given me.

13 Madam Chair, I appreciate yours and Mr.
14 Martel's indulgence in allowing me to continue this
15 long. Thank you.

16 MADAM CHAIR: You very much, Mr. Hanna.
17 We will be back at 1:30. Thank you.

18 ---Luncheon process recess taken at 12:00 p.m.

19 ---On resuming at 1:35 p.m.

20 MADAM CHAIR: Please be seated.

21 Mr. Freidin?

22 CROSS-EXAMINATION BY MR. FREIDIN:

23 Q. Mr. Munro, during your direct
24 evidence I believe you indicated that approximately 60
25 per cent of the plans that are prepared are prepared by

1 Ministry of Natural Resources' staff; is that correct?

2 MR. MUNRO: A. Yes. If there's 99 plans
3 in the province, and that's what I was led to believe,
4 and there are 30 that are FMAs, and you then kind of
5 figure there might be another 10 that are company
6 units, whatever. I'm not really sure of the figures to
7 be exact.

8 Q. All right. Your evidence at page
9 40001 was 60 per cent, but whether that's completely
10 accurate. Can we agree for starters that the Ministry
11 of Natural Resources has at least as much experience in
12 preparing timber management plans as does Industry?

13 A. I think that would be a fair
14 statement, yes.

15 Q. Now, the first matter I would like to
16 deal with, Panel, is the concern that the Industry has
17 raised about the amount of documentation that is
18 required to be prepared under the proposed Ministry
19 planning system.

20 Am I correct, Mr. Munro, that the main
21 concern which arises in that regard is in relation to
22 the documentation requirements for areas of concern?

23 A. That would be the bulk of the
24 concern, yes.

25 Q. And you indicated at page 39,972 of

1 the transcript that --

2 A. Excuse me, Mr. Freidin. Could I get
3 that?

4 Q. Tell you what, let me just put the
5 proposition to you and you may not have to. I
6 understand your evidence was that you were concerned
7 that a separate sheet or series of sheets has to be
8 prepared for each area of concern under the Ministry's
9 system?

10 A. It had been our experience as a panel
11 that that was the case, yes.

12 Q. And that was your evidence at 39,972
13 and that's why I just wanted to confirm that as a
14 starting point.

15 Now, am I correct that a large number of
16 values which are being protected through area of
17 concern planning process are aquatic and, therefore,
18 much of the documentation which you believe is required
19 at the present time is in relation to shoreline
20 reserves?

21 A. Madam Chair, Mr. Martel, I'm not sure
22 what the percentage breakdown would be, but Mr. Freidin
23 is right, there is a large majority dealing with
24 fisheries concerns and water quality concerns.

25 As I mentioned when we did our comparison

1 between MNR's new draft terms and conditions, they had
2 made some movements towards reducing the amount of
3 paper work that was required or documentation.

4 Q. All right. Now, if we could just
5 deal with that. I think you indicated when we first
6 came back from the break that the Ministry had
7 showed -- I am using your words, big movement in
8 relation to the reduction of documentation for areas of
9 concern.

10 You refer to two matters: Not having to
11 show rationalization for prescriptions in some cases
12 and a provision in relation to the Fish Habitat
13 Guidelines?

14 A. That's correct.

15 Q. Could you turn to the Ministry's
16 terms and conditions, please. Term and condition 25.

17 MADAM CHAIR: This is the August 3rd?

18 MR. FREIDIN: Yes. When I refer to the
19 terms and conditions throughout this cross-examination,
20 unless I advise otherwise, it will be the revised ones.

21 MADAM CHAIR: Which number was that, Mr.
22 Freidin?

23 MR. FREIDIN: 25, Madam Chair.

24 MADAM CHAIR: Thank you.

25 MR. FREIDIN: Q. Do you have that, Mr.

1 Munro?

2 MR. MUNRO: A. Yes, I do.

3 Q. 25(a). Can you just take a moment
4 and read 25(a), please. Perhaps you can read 25(b) as
5 well.

6 A. Very good.

7 Q. Can you tell me, are those the terms
8 and conditions which indicate the movement in relation
9 to the two matters that we just referred to?

10 A. Yes, they are.

11 Q. All right. Were there any others
12 that you were referring to?

13 A. Those are the two that we had
14 addressed, the two new ones, as identified by "new"
15 behind (a) and (b), yes.

16 Q. Now, those terms and conditions talk
17 primarily about when a rationalization is or is not
18 required. I want to ask you some further questions
19 about this issue, about the -- this issue about whether
20 you have to have a separate sheet or series of sheets
21 for each area of concern.

22 You have indicated that a large majority
23 of the prescriptions are in relation to aquatics. Can
24 anybody on the panel, based on their experience, give
25 me any estimate of the percentages of the prescriptions

1 which are set in their plans are, in fact, reserves
2 around waterbodies?

3 I am trying to get a ballpark. Are we
4 talking 30, 40, 50 in your experience or higher?

5 MR. COSMAN: You want an estimate?

6 MR. FREIDIN: Just an estimate.

7 MR. COSMAN: If possible without
8 guessing, sure, the witness can answer that.

9 MR. MUNRO: I'm afraid, Mr. Freidin, I'd
10 be guessing, but I can certainly find out for you.

11 MR. FREIDIN: Let's hold off on that. I
12 may be able to deal with it.

13 Q. Would you agree, Mr. Munro, that if
14 the process which is ultimately approved by this Board
15 does not have a requirement to describe in a separate
16 document or series of documents, sheets or have one
17 document for every area of concern, that that would
18 result in a substantial change from the process as
19 understand it?

20 MR. MUNRO: A. Do you mean the current
21 process that we have been planning under or the new
22 terms and conditions that you have filed, or the
23 Industry's proposal?

24 Q. Let's stick with the new terms and
25 conditions which are proposed. Let me put the question

1 this way. Do you believe that the new terms and
2 conditions which are put before you require a separate
3 sheet or series of sheets in relation to each area of
4 concern?

5 A. That is a very interesting question.
6 Since we haven't worked under the new terms and
7 conditions, I'm not sure when it goes out to the field
8 what the requirements will be, and some of the sections
9 of the new terms and conditions we have some difficulty
10 understanding and interpreting how that would actually
11 be applied on an operational basis.

12 Q. All right. But if in the end result
13 the terms and conditions proposed by the Ministry are
14 properly interpreted as not requiring -- or there being
15 a method to avoid having to have an individual sheet or
16 series of sheets for each area of concern, would that
17 be a considerable change or would that address - let me
18 put it this way - address the concern that you have
19 voiced about the amount of documentation?

20 A. Madam Chair, Mr. Martel, it would
21 certainly address some of the concern that we have
22 expressed for sure. It would be a substantial
23 improvement.

24 MADAM CHAIR: Excuse me, Mr. Munro.
25 Could you clarify something and that is, if you are now

1 in the process of preparing a timber management plan,
2 you are following the Timber Management Planning Manual
3 and the guidelines as they exist now--

4 MR. MUNRO: Yes.

5 MADAM CHAIR: --or are you incorporating
6 any of the changes that might be in the terms and
7 conditions that the Ministry has put before the Board?

8 MR. MUNRO: The new terms and conditions
9 that the MNR has filed with the Board, they have made
10 it a condition that none of the new conditions have to
11 be implemented until the Board makes a hearing.

12 So that would mean that we would plan
13 under the proposal that they put before you when they
14 led evidence and that's where this panel has its basic
15 knowledge in terms of how that is interpreted at a
16 field level. So that's why we have some degree of
17 difficulty understanding the actual operational
18 concerns.

19 MADAM CHAIR: Thank you.

20 MR. FREIDIN: Q. Now, I have asked the
21 panel to review Exhibit 1028. That is a document which
22 has a number of parts, but it was filed during the last
23 panel of the Ministry's case when Mr. Bisschop gave
24 some evidence regarding the area of concern planning
25 process.

1 Have you had an opportunity to look at
2 that, Mr. Munro?

3 MR. MUNRO: Yes, I have, Mr. Freidin.

4 Q. Could you turn to the instructions --
5 it's broken into two parts. I think the first part is
6 there are instructions, supplementary documentation in
7 relation to operations in areas of concern?

8 A. That's correct.

9 Q. All right.

10 MR. FREIDIN: Madam Chair, I believe
11 there is a letter, then there is a form and then we
12 start off with instructions, supplementary
13 documentation operations in areas of concern.

14 MR. MARTEL: Did you say there was a
15 letter attached?

16 MR. FREIDIN: Well, my copy of the
17 exhibit has a letter, but the letter is not important.
18 What I want is --

19 MADAM CHAIR: Exhibit 1028, Mr. Freidin?

20 MR. FREIDIN: 1028. Do you have that?

21 MADAM CHAIR: Yes, we do.

22 MR. FREIDIN: Q. At the bottom of that
23 page, Mr. Munro, it states:

24 "In the determination of prescriptions
25 for harvest renewal and/or tending

1 operations and or conditions on tertiary
2 roads, the form..." referring to the
3 forum which was provided,
4 "...can be used for individual areas of
5 concern or a group of any number of areas
6 of concern which have a common value
7 which requires protection. In the latter
8 case, only one form needs to be
9 completed. However, if any individual
10 area of concern in such a group of areas
11 of concern is traverse by a primary or
12 secondary road..." It goes on and deals
13 with what you have to -- that the road planning
14 requirements apply.

15 When you gave your evidence the other day
16 about a separate sheet or sheets being required for
17 each AOC were you aware of this provision?

18 MR. MUNRO: A. I was aware that MNR has
19 led evidence that grouping is possible. We, as a
20 panel, went to some of the most currently prepared
21 approved plans and took a look at the documentation
22 that was I think - from what we understand any way -
23 prepared under the direction provided in Exhibit 1028
24 and Mr. Suomu is familiar with one of the most recent
25 ones. I believe it was the Dog River/Matawin.

1 MR. SUOMU: A. Yes, the Dog
2 River/Matawin is still I think just in the finalized
3 stages. There are 1,100 AOCs currently in that
4 particular plan which require approximately 12 hours of
5 computer printing time to produce the documentation
6 portion.

7 Now, I don't know whether that plan was
8 produced under these new guidelines or whether it was
9 under the older system. I can't answer that. It is
10 the most recent one that I'm aware of.

11 Q. All right. And I am going to want to
12 ask some questions about that particular plan. It's
13 odd that you happened to have chosen the very one that
14 I wanted to discuss with you.

15 MADAM CHAIR: Excuse me, Mr. Freidin.
16 Could you remind the Board about this document, Exhibit
17 1028?

18 MR. FREIDIN: Yes. Why it was filed and
19 what it was about?

20 MADAM CHAIR: Yes. What was the date on
21 it and what is the source?

22 MR. FREIDIN: This was after Panel 17
23 when we had clearcut exercise described and Mr.
24 Bisschop came back and responded with this document as
25 being the Ministry's response to the concern raised

1 about the Red Lake plan and the level of detail I think
2 that was contained in the area of concern
3 documentation.

4 This document was put in through Mr.
5 Bisschop as the Ministry's, I guess, response or method
6 of addressing, hopefully in an acceptable way, concerns
7 that had been raised about level of detail in area of
8 concern documentation and how it was sort of set out.

9 MADAM CHAIR: And this approach is not
10 being used in the field now, it is awaiting approval of
11 the EA with all the terms and conditions?

12 MR. FREIDIN: This one is being used in
13 the field now.

14 MADAM CHAIR: Did it go out as part of
15 the timber management planning manual or was it issued
16 as a separate direction?

17 MR. FREIDIN: I think it has gone out as
18 a separate direction. I'm not sure exactly the means
19 by which that direction was given, but it is dealt with
20 in formal training and it is an expectation that this
21 approach be followed.

22 MADAM CHAIR: So it goes to all the
23 district managers at MNR and all timber management
24 plans that are being prepared as of the day they
25 receive this will follow this?

1 MR. FREIDIN: That's right. Industry has
2 received, MNR people have received it.

3 Q. If we go to page 3 of that summary,
4 Mr. Munro, in the third full paragraph, it describes
5 the method that could be employed to identify on a map
6 values which had been dealt with in accordance with
7 this common prescription.

8 Do you agree with that brief summary of
9 that paragraph?

10 MR. MUNRO: A. I am somewhat confused,
11 Mr. Freidin. The top of the page is entitled
12 Prescription Summaries. What we interpret that as is
13 the table - I think it is Table 4.12 - which is in the
14 new -- I'm sorry, it's in the Timber Management
15 Planning Manual and simply summarizes all the AOCs.
16 That's how we view that.

17 Q. Okay. Now, you indicated that you
18 went to some of the more recent plans and gave example
19 of the Dog River/Matawin where this particular
20 approach, I take it, Mr. Suomu was not employed, as far
21 as you are aware?

22 MR. SUOMU: A. I cannot speak about it.
23 I'm just aware of it in speaking with the Thunder Bay
24 office yesterday and I was just inquiring on the status
25 of that plan just out of interest and these were the

1 numbers which were given to me.

2 MR. MUNRO: A. Maybe I can help, Madam
3 Chair. It's difficult to find a plan in the province
4 that have -- or two plans in the province that have a
5 standard AOC planning process applied to it. Each one
6 is being interpreted a little differently from area to
7 area.

8 And to say that a specific -- since this
9 date when this hit the streets, more or less, as the
10 requirements, that it has been standardized across the
11 province I think would be a mistake. I think it is
12 being interpreted at a field level in all kinds of
13 different ways, all kinds of different detail and there
14 is some need to standardize the approach.

15 Q. If it was understood across the area
16 of the undertaking that you could use this provision on
17 Exhibit 1028 to lump reserves - and I am speaking very
18 generally - around waterbodies so that you could deal
19 with them in one, two or three area of concern sheets
20 as opposed to one for every area of concern around a
21 waterbody, would that be a good thing?

22 A. If it was universally understood and
23 implemented, I think that would be a good thing.

24 MR. INNES: A. If I may add to that. If
25 it provided the desired level of environmental

1 enhancement of the protection required as well because
2 that's the point of the exercise surely.

3 Q. Right. That would always, I think,
4 be a requirement and the thing I'm addressing now is
5 the concern about the documentation of the prescription
6 setting.

7 Now, in relation to the Dog River/Matawin
8 plan, Mr. Suomu - and you won't be able to give me an
9 exact answer, but I want to just get your impression,
10 and anybody else from the panel - it is my information
11 that, you are correct, there are approximately 1,100
12 AOCs, that that is composed of in part 36 cold water
13 reserves, 123 warm water reserves, 564 reserves to
14 protect water quality. That's 723 reserves in relation
15 to waterbodies which, by my calculation, is
16 approximately 69 per cent of the prescriptions which
17 were set for areas of concern in that plan at the
18 present time stage of development.

19 If the process which is ultimately
20 approved by this Board in relation to area of concern
21 documentation would permit those reserves to be dealt
22 with in two or three sheets as opposed to 723, I take
23 it, based on your concern about area of concern
24 documentation, that would be a monumental step forward?

25 MR. MUNRO: A. Madam Chair, to go from

1 723 sheets down to two or three would be unbelievable.

2 Q. You would be happy about that?

3 A. We would be elated.

4 Q. All right.

5 MR. FRY: A. May I say something here in
6 term of being elated. I could see a major -- I could
7 see that there could be a big problem in just trying to
8 tie these individual areas of concern to the two or
9 three sheets in terms of how you find out which ones
10 are going to be covered by this particular sheet of
11 paper.

12 If you have one sheet that's going to
13 refer to 560 odd waterbodies, where are they and how
14 are we going to identify them? There is a coding
15 system, but I would have to see how that coding system
16 would be organized in order to know whether it's going
17 to be elation or confusion.

18 MR. MUNRO: A. And that's the difficulty
19 that we're having, is we haven't seen it work and it's
20 difficult to comment on something that you haven't seen
21 it work. If it was workable and it provided the
22 necessary information, then it would be great.

23 MADAM CHAIR: If we were using OFIA's
24 proposed system and we were looking at the sample
25 operating map and the background data to support that,

1 then what would that map look like?

2 We have no idea from the fact that there
3 would be 723 AOCs identified how many would in fact be
4 identified as values on your map. We wouldn't know
5 that until it was an identified value.

6 MR. MUNRO: Or until -- what you would
7 find is the values that would be transferred to a map
8 similar to this and activities would be planned and the
9 actual prescription would be documented on the map.

10 MADAM CHAIR: Not for -- oh, not for the
11 1,100.

12 MR. MUNRO: Yes.

13 MADAM CHAIR: I thought that you would
14 only put on the map -- all of those individually?

15 MR. MUNRO: Every value would appear on
16 the map that was being effected, every prescription
17 would appear on the map. So, in fact, yes, there would
18 be 1,100.

19 MADAM CHAIR: But certainly around one
20 waterbody you would put pinpoints of 1,100? I think
21 from the Red Lake Timber Management Plan we saw that
22 many of the AOCs were in close proximity to one another
23 when you are looking at waterbodies.

24 MR. MUNRO: What we are recommending is
25 identical to what Mr. Fry demonstrated there and that

1 all 1,100 would have a prescription attached to them
2 and they would be highlighted on the map.

3 MR. MARTEL: Can someone do for me and my
4 colleague a map and show us what this monster is going
5 to look like?

6 I look at this and I have a concern too
7 because I don't know how you put -- whether the reserve
8 is because of the size of the slope that's involved. I
9 have no idea what this is going to look like and how we
10 are going to put 1,100 on a map or reduce it to two or
11 three sheets of paper. It would really be nice to see
12 that done.

13 I don't know if that's too big a job, Mr.
14 Freidin, but it really would be helpful.

15 MADAM CHAIR: We have to talk to Mr.
16 Munro about that.

17 I think the Board's impression has been
18 so far that if you are looking at an area, such as the
19 one that's highlighted there, and you might have many,
20 many AOCs around a waterbody, that somehow it would be
21 identified not one by one if they were very close in
22 geographical proximity.

23 MR. MUNRO: They have to be -- the
24 prescription has to be identified one by one because
25 you have to go out and lay it in the field.

1 If it's a 30-meter no cut, somehow you
2 have to be able to communicate that to the people that
3 are laying the boundaries in. So, in fact, they do
4 have to appear on a map.

5 If it would be helpful, Mr. Fry could
6 just run through that briefly and I think it would shed
7 a lot of light.

8 MR. FREIDIN: Well, before --

9 MR. COSMAN: If it's responsive to Mr.
10 Martel's inquiry...

11 MADAM CHAIR: Mr. Martel is asking the
12 question: If you looked at that map and you had 1,100
13 separate geographical locations for AOCs -- well, how
14 would you put 1,100 dots on that map, never mind the
15 prescriptions?

16 MR. MUNRO: It's not just a single map.

17 MR. MARTEL: Can we just do the second
18 half, too, because I can't fathom on three sheets of
19 paper how we are going to identify and signal what the
20 slope is or what the type of reserve is, if it's
21 partial cut.

22 I mean, I'm really looking for some help
23 here so that we can understand this.

24 MR. FREIDIN: Okay. I understand your
25 concern. There is a provision -- what I was doing

1 here, Mr. Martel, is what any cross-examiner has to do
2 and that is, set up, particularly for the proponent,
3 reply evidence.

4 There has been a concern raised here
5 about this. You can rest assured that I am not saying
6 that it can be done with two or three sheets or series
7 of sheets unless I can call somebody in the box and
8 explain it and show you the maps and show you how it
9 will be documented in that way. I basically have to
10 call that because I'm suggesting it can be done.

11 MR. MARTEL: But we are looking, if you
12 present it, a year down the road.

13 MR. FREIDIN: That's right. What I will
14 take under advisement and I will speak to my people is
15 to whether I can get something up quickly enough that
16 it would do justice to what I'm talking about so that I
17 can deal with it next week. I can't just sort of
18 produce a map over night.

19 What I will do in my cross-examination
20 is, I want to continue and deal with one of the things
21 you did raise in your question and it comes up later in
22 my documentation is how one sees through the process
23 that the Industry has put forward why the reserve is
24 there. Is it because the slope was "x" or was it "y"?
25 I have a concern about that, but I will deal with that

1 through my questioning.

2 So I think through my questioning and
3 through whatever I can pull together for next week,
4 either by way of a map or by way of some more specific
5 questions, perhaps address your concern.

6 MR. MARTEL: That would be helpful.

7 MR. COSMAN: Madam Chair?

8 MADAM CHAIR: That will be fine.

9 Mr. Cosman?

10 MR. COSMAN: Before Mr. Freidin
11 continues, and certainly that is the proper way to do
12 it, through either some format introduced in the
13 hearing or through reply, but I think in response to
14 your question, Mr. Fry, who is here today and won't be
15 here next week, or after next week, can perhaps just
16 assist you with how it would be done with respect to a
17 great number of AOCs, with respect to a map of which
18 that is only part, you will remember.

19 MADAM CHAIR: Yes. Mr. Freidin, if you
20 don't mind--

21 MR. FREIDIN: No, no.

22 MADAM CHAIR: --we will have Mr. Fry
23 briefly go through something we have been through many
24 times, but to give a sense of the scope of that and how
25 in fact if you had instead of that number of AOCs in

1 front of you you had 1,100.

2 MR. FREIDIN: Can we just start off with
3 one question.

4 Q. That particular map is one of a
5 number of maps which would display the entire
6 allocations?

7 MR. FRY: A. That is correct.

8 Q. So you could AOCs on another map, on
9 a number of maps?

10 MADAM CHAIR: Many maps.

11 MR. FRY: It could be 15, 20 maps.

12 MR. FREIDIN: Okay. Just starting from
13 that base, then.

14 MR. MARTEL: Wallpaper.

15 MR. MUNRO: That's why we like them
16 coloured.

17 MR. FRY: Perhaps I should start off by
18 saying that in our presentation, I believe in our
19 witness statement, I don't believe that we recognize
20 any values as being areas of concern until they in fact
21 become a concern at the EPP stage.

22 So what we start off with is the values
23 map which identifies for the entire management unit the
24 values that have been identified by a number of
25 different people, a number of different sources.

1 MADAM CHAIR: But immediately you are
2 saying that subset is much smaller than 1,100?

3 MR. FRY: That is correct -- no, that is
4 not right. The 1,100 that we've referred to would be
5 those values that are affected by our proposed
6 operations during the term of the plan.

7 There could well be another two or three
8 or 5000 values out there that are in areas that have
9 either already undergone operations or are not going to
10 be -- are not going to undergo operations for some time
11 to come. So there would be a great number more than
12 the 1,100 values that would be on the values map. The
13 only ones that we would deal with further would be
14 those that are going to be affected by access, harvest,
15 renewal or maintenance operations.

16 Once we develop our allocations, and the
17 coloured stands would be the stands that have been
18 selected for allocation for harvest in this particular
19 instance, we would transfer onto that map the values,
20 onto a working map, the values.

21 So that we would know, for example, that
22 there was a heron rookery in this particular place or
23 point here. We would know, for example, that -- let's
24 see the water quality value if I can find one here.
25 This would be a water quality value in here in this

1 stream going up to this lake. (indicating)

2 Certain of those values are inherent and
3 water quality values are an inherent value. We do not
4 show on our values map a number, for example, for this
5 particular stream here. It shows up on the 1:50,000
6 topographic maps. It is inherent that that is a value,
7 but things such as a brook trout fisheries would
8 definitely show up on the values map and be transferred
9 onto this map, things such as a remote outpost camp
10 would show up on this particular lake and would be
11 transferred to there.

12 We would then apply the guidelines to
13 develop our planned operations adjacent -- when we are
14 adjacent to these particular values.

15 In the case of water quality for this
16 stream here, we would go to the 1:50,000 maps,
17 determine what the slope is adjacent to that stream and
18 apply a prescription that can be developed from those
19 guidelines. In this particular case, it is a solid
20 reserve of 30 meters in width which would imply that it
21 has a slope of 0 to 15 per cent.

22 In the case of other values such as
23 remote tourism, it would be described here, the purpose
24 for it, and the exact prescription could be labelled in
25 some way with an arrow pointing to the particular value

1 and that would be the documentation for what would have
2 to be done on this particular lake to protect that
3 value.

4 We have developed, as I think I indicated
5 earlier, a cross hatching type of system and this is
6 not in the final stage. It's an example of how you
7 could do it, as to how you would indicate what the zone
8 of influence would be, how far back you would have to
9 go with a prescription in order to protect this
10 moose -- outpost camp and what you would have to do
11 within that area.

12 I think that is the essence of our
13 proposal. I don't know if that answers the questions
14 that you both had.

15 MR. MARTEL: My concern is -- no, I
16 understood that very fairly well. What I don't
17 understand is how it is all going to fit on a map.

18 Can you get that many -- is it really a
19 case of you need a whole series of maps and then only
20 putting on there the values or if concerns have been
21 expressed or there are no guidelines or ...

22 MR. FRY: If I understand your question
23 correctly Mr. Martel, I think in this particular case
24 that this could be a reasonable number of areas of
25 concern to have on this size of allocation.

1 I don't think it's going to get to the
2 point that it's going to be plastered with labels and
3 prescriptions on it. There is going to be a number of
4 maps, 15, 20, 25 maps, which those 1,100 AOCs would be
5 spread over. You are going to have different areas on
6 those maps that are going to show up. It's not all
7 going to be concentrated necessarily in one area.

8 MR. MARTEL: Yes, but that's only eight.
9 I would like to see what 300 looks like on a map or 200
10 or a hundred even. If you are 25 maps and you have
11 1,100 you are looking at 50 per map on average maybe.

12 MR. INNES: This has almost been tested
13 operationally, Mr. Martel, if I may. If you go, for
14 example, to Camp 230, Abitibi-Price north of Thunder
15 Bay, for our staff at that camp to actually know what
16 they have to do in terms of marking in reserves, there
17 will be maybe six of those map sheets on the wall
18 outside the camp foreman's office and it won't be in
19 this brilliant colour design that Mr. Fry has designed
20 here, but there will cross hatched out of a reserve of
21 so much for this area here, for that over there, a
22 heronry rookery here, whatever it is, and all that's
23 missing are the white designations of what this
24 actually is.

25 MADAM CHAIR: We saw Mr. Suomu's company

1 map in the trailer and it was chock solid with little -
2 what do you call them - pin tacks, things that they
3 were using.

4 MR. SUOMU: That's correct. You were
5 looking at one of the landing maps in which they are
6 actually going to indicate an area where the wood is,
7 in fact, being landed and there's specific numbers.

8 In addition to that, there was a very
9 similar system. We do not give to our operating staff
10 AOC listings. We give them the map with the
11 prescriptions marked on which is almost identical to
12 this one here in terms of what's to be done.

13 MADAM CHAIR: Mr. Martel's question, I
14 think, is getting at the fact that the public walks
15 into an information centre and they want to see what's
16 going on and maybe it won't be a simple matter of one
17 or two maps, maybe in fact there will be a wall full of
18 maps displaying what this information is.

19 MR. INNES: That's why, Madam Chair, we
20 have agreed that the MNR's proposal to have sort of an
21 intermediate stage in terms of what I believe they've
22 called operation scale between the values map,
23 something that shows where the values are when the
24 operations take place and then this level of scale is
25 probably a three-step system where you can go from the

1 macro-overview to sort of intermediate view to the
2 detail of where is my cottage on this lake in this
3 area. So, you know, you kind of walk it down the steps
4 rather than this mind boggling leap of faith.

5 MR. FRY: There are only eight values
6 that have been recognized here, but, as I indicated,
7 there is also some inherent values that are water
8 quality values that we do not have labels for.

9 There is a notation on the map that there
10 is a reserve around here, but in that 1,100 that Mr.
11 Suomu has referred to it might include this as one of
12 them, this in here another one, this in here is another
13 one. (indicating)

14 MR. FREIDIN: Q. Mr. Fry, you can sit
15 down. I have been listening to Mr. Martel's concern
16 about the number of labels on a map and when you have
17 get 50 or 60 and a map, would you agree with me that in
18 terms of cluttering of the map 50 numbers would take
19 up -- look less cluttered to the observer than 50
20 labels with a bunch of writing on it?

21 I am just asking about clutter now. I am
22 not talking about conveying of information or anything,
23 I am just talking about clutter.

24 MR. FRY: A. 50 numbers would, I
25 suspect, be less cluttered.

1 Q. Thank you.

2 MR. MUNRO: A. If I might add just for
3 the sake of clarification. At some point in time you
4 have to take those 50 numbers and put the prescription
5 on the map anyway because you have to hand it to some
6 person in leather boots and a packsack that has to go
7 out and lay it in.

8 You can't hand him a map with 50 numbers
9 on it, give him a book and say when you hit one you
10 have to do this. You have to transfer that information
11 on to a map so that somebody can physically take it
12 into the field, put it on photographs and actually go
13 out and lay that line in foot by foot, inch by inch,
14 and that's the reason we are saying, why do it twice.
15 Why put the 50 numbers on? Put the prescription on,
16 hand it to the operational forester and they can go
17 about their business and know what they are doing it
18 for.

19 We did lead some evidence that there is
20 some real value, in our minds, to ensuring that our
21 staff know why they are doing that work, that there is
22 a value, there is a need to afford some protection to
23 it and hopefully that will enlighten them and make
24 their work considerably more fruitful than laying in
25 No. 1 which happens to be a 30-meter no-cut research.

1 Q. With respect, Mr. Munro, I can
2 understand how it might be more helpful to your staff
3 to do it in the manner that you have proposed.

4 Will you agree with me, sir, that there
5 are other people other than your staff who are
6 concerned about the decisions and the rationale for the
7 decisions which are made in your plans?

8 A. Madam Chair, it's the collective
9 wisdom of this panel that a lot of people would benefit
10 from that, not only our staff, but the general public,
11 the advisory committees, the technical experts from
12 MNR.

13 Q. I am not asking how you do it. I am
14 just saying, are there more people than your staff who
15 are interested in the rationale or the basis upon which
16 you make decisions in your plan?

17 A. Yes--

18 Q. Thank you.

19 A. --and I believe that the FRI map that
20 we have indicated is the most powerful communication
21 tool that we have available to dialogue with those
22 other individuals that are interested.

23 Q. I guess the difference of opinion
24 appears between the Ministry and the Industry on this
25 issue as to whether more documentation than what you

1 are proposing is necessary. Your view is that it is
2 not necessary and the Ministry appears to be suggesting
3 that more is necessary. Is that a fair description of
4 the difference between the two parties on this issue?

5 A. I don't think that's a fair
6 description at all. What we are saying is the
7 documentation should occur on the map. MNR, from what
8 I can understand, is saying the documentation occurs in
9 a text with an associated number which you take and go
10 to a map.

11 I don't think the total documentation in
12 terms of the detailed prescription would be any
13 different under either proposal except where it shows
14 up and the extent of the documentation.

15 Q. Exactly, Mr. Munro, the extent of the
16 documentation. You are not suggesting to this Board,
17 are you, that the amount of documentation outlining the
18 rationale for the prescriptions explaining to people
19 who read the plan or the supplementary documentation
20 why the prescriptions were the way they are on your map
21 are the same? You are not suggesting that to the
22 Board; are you?

23 A. I'm sorry, Mr. Freidin, I don't
24 understand your question.

25 Q. It's my understanding, Mr. Munro,

1 that the amount of documentation that is produced or
2 required in accordance with the Ministry's proposed
3 planning policy regarding areas of concern, the amount
4 of the information that has to go into one of these
5 areas of concern sheets, is considerably more
6 documentation in relation to an area of concern than
7 would be produced by merely putting the prescription on
8 the map?

9 A. Mr. Freidin, I would agree that under
10 MNR's proposal you have more documentation on paper. I
11 would question the need and the fruitfulness of having
12 that documentation since much of that documentation is
13 merely taking words from the guideline and applying
14 them to a different piece of paper.

15 Q. All right. And we will explore the
16 wisdom of that. I will give you every opportunity
17 because I want to explore the difference as between the
18 Industry and the Ministry on the wisdom or the need for
19 that documentation. I will give you every opportunity
20 to deal with that.

21 Would you turn, Mr. Fry, to the
22 comparison document which is Exhibit 1279. Are your
23 pages numbered, Mr. Fry?

24 MR. FRY: A. I have a number in the top
25 right-hand corner.

1 Q. How did you start numbering them, on
2 the first page of the title page of did you start on
3 the index page?

4 MR. COSMAN: I think it was my secretary
5 who numbered them.

6 MR. FREIDIN: Mine -- all right.

7 MR. FRY: Mine start on the first page
8 entitled Structure of Planning Systems.

9 MR. FREIDIN: That's page 1.

10 MADAM CHAIR: Excuse me, Mr. Freidin,
11 which document, 1279?

12 MR. FREIDIN: Maybe we can make this
13 easier. Tell you what, can we use 1247, it has got
14 tabs on it. It is going to be a lot easier for me
15 anyway. This one here, the blue one, with the tabs on
16 it.

17 Q. Would you turn to Tab No. 3 and would
18 you go to page 2. The top right-hand bullet describes
19 your summary of part of the MNR proposed process which
20 says:

21 "Every value potentially effected
22 requires documentation of alternatives,
23 analysis of alternatives and
24 preventative, mitigative measures and the
25 rationale for the preferred alternative."

1 I believe that same text appears in
2 Exhibit 1279 as well. Is that right, Mr. Fry?

3 MR. FRY: A. I would have to check about
4 the 1279. I believe in 1279 it has been changed, the
5 top right-hand bullet, we have added a third column.

6 Q. Yes. Which page are we looking at,
7 then?

8 A. This will be page 11.

9 Q. Yes. The one which says:

10 "...no documented justification
11 required where the implementation manual
12 gives no options and the direction
13 provided in the manual is followed."

14 A. That's right.

15 MR. FREIDIN: One moment, please.

16 Q. Have you had an opportunity to review
17 Exhibit 844, Mr. Fry?

18 MR. FRY: A. 844, yes.

19 MADAM CHAIR: Which document is that, Mr.
20 Freidin?

21 MR. FREIDIN: That is a document that is
22 entitled Determination of Operations, An Overview. We
23 have extra copies of that if you wish, Madam Chair.

24 MADAM CHAIR: We have got it. Thank you,
25 Mr. Freidin.

1 MR. FREIDIN: Okay.

2 Q. This was a document that was used
3 during the examination-in-chief on Panel 15 of the
4 Ministry's case and I am wondering whether you could
5 turn to 844C.

6 MR. FRY: A. 844C is the third page?

7 Q. Yes, it is a schematic entitled
8 Planning Procedure for Areas of Concern.

9 A. Yes. I have it.

10 Q. That document, Mr. Fry, and the
11 evidence of Mr. Bisschop in Panel 15 was that
12 alternatives need only be described and analysed where
13 a modification to normal operations was being
14 contemplated, which is the right-hand side, but that
15 alternatives and the analysis of them were not required
16 where, as a result of the thought process in following
17 the planning procedure for areas of concern, one
18 determined that they were going to carry out normal
19 operations or prescribed a reserve.

20 Firstly, were you aware of that evidence
21 when you gave your evidence and when you prepared
22 Exhibit 1274 and 79, that the Ministry of Natural
23 Resources' process required an analysis of alternatives
24 for every area of concern?

25 A. In many instances -- I'm just trying

1 to think on the basis of my experience. Quite often we
2 have to protect a particular value within an area of
3 concern. In the past we have had a combination of
4 reserves and modifications that have been prescribed.

5 Q. Yes.

6 A. In those instances, we have had to
7 look at alternatives and follow that process that we
8 have identified in Exhibit 1274.

9 Q. Would there be situations where you
10 wouldn't consider modified operations in relation to a
11 value which had been identified because you could come
12 to the conclusion that you could go normal or you could
13 come to the conclusion that you had to go reserve?

14 A. There would be situations where we
15 would consider a reserve as being the only option.

16 Q. Now, if that was the decision and if
17 the process ultimately approved -- the process
18 ultimately imposed by way of terms and conditions
19 indicated that when you went reserve in that situation
20 you did not have to document or identify alternatives
21 and analyse them, would that be desirable from the
22 Industry's point of view?

23 A. I think anything that would reduce
24 the amount of documentation would definitely be
25 desirable.

1 Q. And would you agree with me that if
2 that was the ultimate term and condition on that
3 particular issue, that there would be a reduction in
4 the amount of documentation in relation to areas of
5 concern compared to the way -- what you had in your
6 mind when you gave your evidence that there was a
7 substantial amount of documentation required by the
8 Ministry's process?

9 A. As I think you had indicated to the
10 Board earlier in this examination, a lot of the
11 reserves are indeed water quality -- not water quality,
12 but water oriented reserve. They are there to -- the
13 AOCs are there to protect certain water type values.

14 As a general rule in plans that I've been
15 involved in, we have been trying to adequately protect
16 the value using the various guidelines, while at the
17 same time making it possible to get access to - in
18 terms of logging and subsequent management operations -
19 as much of the wood values that are associated with
20 those -- associated in those areas of concern with
21 those values.

22 There are a number of requirements to
23 protect those values through the establishment of
24 reserves in which, as Mr. Freidin has indicated, it
25 would not be necessary to go through the exhaustive

1 look at alternative prescriptions during the courses of
2 the action, but we have attempted in plans that I have
3 been involved in to try, to the extent possible, to
4 develop acceptable modified operations that will allow
5 us to harvest the wood while, at the same time,
6 protecting the value.

7 The extent to try to put some sort of
8 percentage on it and to try to get a feeling for how
9 much documentation that would save, I don't know that I
10 can answer Mr. Freidin on that. There would be some
11 savings but, at the same time, I think there would
12 still be a considerable requirement where looking at
13 alternatives.

14 Q. Right. Even in the situation where
15 the requirement to look at alternatives was limited to
16 situations where you went modified, you would still
17 believe that that would result in a substantial amount
18 of documentation required?

19 A. I believe so.

20 Q. But we can agree, then, that if you
21 didn't have to do it for those AOCs which went reserve
22 or normal; i.e., you didn't consider modified, there
23 would be a reduction in the amount of documentation
24 that you had in your mind when you gave your
25 evidence-in-chief and when you prepared Exhibit 1274?

1 A. I think that's a fair statement.

2 MADAM CHAIR: Excuse me, Mr. Freidin. I
3 am confused about your question. Was your first
4 question that there would be no documentation if the
5 decision were a no-cut reserve, that no further
6 documentation would be needed?

7 MR. FREIDIN: No. Let me put it this
8 way. One of the pieces of documentation that is
9 required as part of area of concern planning in some
10 cases is an identification of alternatives and an
11 analysis of them.

12 Q. Is that right, Mr. Fry.

13 MR. FRY: A. That is correct.

14 Q. That can constitute a large portion
15 of the documentation that is provided in relation to
16 any particular area of concern where you had to do that
17 full analysis?

18 A. A large part of it, but not all of
19 it.

20 Q. Right. So, if we look at the form,
21 Exhibit 1028, for instance, we were looking at the
22 text, but if you go to the actual form, Supplementary
23 Documentation, Operations in Areas of Concern -- let's
24 just say we're just talking about an area of concern to
25 make it simple.

1 MADAM CHAIR: Which page, Mr. Freidin?

2 MR. FREIDIN: It looks like that, Madam
3 Chair. (indicating)

4 MADAM CHAIR: How many pages from the
5 front?

6 MR. FREIDIN: Probably about four for
7 five. It comes after the instructions. Immediately
8 after the instructions, I believe, or maybe it is
9 immediately before. Somebody put mine together
10 improperly.

11 MADAM CHAIR: Immediately after the
12 instructions?

13 MR. COSMAN: Perhaps you can show it to
14 the witnesses too so they will be able to find the
15 page.

16 MR. FREIDIN: Sure. That one.
17 (indicating)

18 MADAM CHAIR: Okay. We have got exhibit
19 1028. Thank you.

20 MR. FREIDIN: Q. Now, what you and I
21 were talking about, Mr. Fry, am I correct, when we were
22 talking about documentation regarding the
23 identification of alternatives and the analysis of the
24 alternatives, that would be the documentation which, if
25 it was required, would show up on page 2 of that form

1 under No. 2? Part 2, paragraph 2; is that right?

2 MR. FRY: A. That is correct.

3 Q. And then you would have to under Item
4 6 give a rationale for selecting from amongst the
5 alternatives in that case; is that right?

6 A. That's right.

7 Q. But if we had a situation where you
8 weren't considering modified in the scenario that I
9 have given you, you wouldn't have to fill out that
10 section, part 2, paragraph 2 because there would be no
11 need to identify alternatives?

12 MADAM CHAIR: And that's for a no-cut
13 reserve, Mr. Freidin?

14 MR. FREIDIN: No, that is for a decision
15 where you if you look -- that is a situation where, in
16 accordance with 844C, you decide that you can
17 adequately protect the value by a reserve or by a
18 normal operation and when you were making your analysis
19 you said to yourself - and you correct me if I am
20 wrong, Mr. Fry - look at, there is no use considering
21 modified here, there is just no way we can modify our
22 operations and protect this value, we are going to go
23 reserve. In that case, no identification of
24 alternatives is required, no analysis is, therefore,
25 required.

1 MADAM CHAIR: And that's a no-cut
2 reserve, no selective cutting?

3 MR. FREIDIN: A reserve...

4 MADAM CHAIR: No-cut reserve.

5 MR. FREIDIN: No-cut reserve. No
6 operations.

7 MADAM CHAIR: All right. Thank you.

8 MR. FREIDIN: Or in the other case you
9 look at it and you say: There is the research -- the
10 value, and you say: Look at, there is no problem.
11 Normal operations, we can carry them out here and we
12 will not impinge on that value.

13 In that case, according to this exhibit
14 and the evidence of Mr. Bisschop, no need no identify
15 alternatives and, therefore, no necessity to analyse
16 alternatives.

17 Q. In that case, Mr. Fry, the amount of
18 documentation in relation to an area of concern, how
19 would it compare if, on the one hand, you didn't have
20 to identify alternatives, analyse them but, on the
21 other hand, you did? Would there be a substantial
22 difference in the amount of documentation you would
23 expect.

24 MR. FRY: A. For an individual area of
25 concern?

1 Q. Yes.

2 A. There would be a reduction in the
3 paper, definitely. To what extent, I'm not aware. I'm
4 not sure to what extent it would be reduced. I know
5 that I don't recall ever being in a position where
6 normal operations can proceed in the vicinity -- within
7 an area of concern. It doesn't happen very often, I
8 don't think.

9 Q. Okay.

10 A. So where you are going to save the
11 time or save the documentation is going to be largely
12 where a reserve is the only prescription that applies.

13 Q. Okay. And would you agree with me,
14 Mr. Fry, that Exhibit 1028, part 2, paragraph 3 of the
15 form that we are looking at indicates that even in the
16 situation where a reserve is the decision that you
17 arrive at, this form, although it doesn't require you
18 to set out the alternatives and analyse them, it does
19 in paragraph 3 require you to provide the dimensions of
20 the reserve and the rationale for imposing the reserve
21 of that size?

22 A. What is the question?

23 Q. Do you see paragraph No. 3?

24 A. Yes, I do.

25 Q. All I want to -- I am trying to

1 address, I think, the concern raised by the Chair.

2 MR. MARTEL: Let's just clarify what
3 part.

4 MR. FREIDIN: Part 2 entitled -- I think
5 it is the third page of the form. The third page of
6 the form, and we see No. 3, it says:

7 "If a reserve is required..."

8 MADAM CHAIR: Yes.

9 MR. FREIDIN: Q. Now, that is under part
10 2, Mr. Friday, prescription for harvest renewal and/or
11 tending operations; correct?

12 A. That's correct.

13 Q. All I want you to agree with me about
14 is, if a reserve is the decision which one comes to as
15 to the prescription, if you follow this form you have
16 to set out the dimensions of the reserve and the
17 rationale for the reserve prescription?

18 MADAM CHAIR: What documentation are you
19 saving, only the analysis of the alternatives?

20 MR. FREIDIN: That's right, yes.

21 MADAM CHAIR: Mr. Fry?

22 MR. FREIDIN: I am trying not to give
23 evidence, as much as I would like to, Madam Chair. I
24 get accused of that so often.

25 MR. FRY: I guess that's what it says,

1 yes.

2 MR. FREIDIN: Q. And whatever the
3 difference is you save some documentation. I suggest
4 to you you save substantial documentation, Mr. Fry. If
5 you do an analysis of alternatives as opposed to
6 justifying why you came to a reserve you would save
7 yourself substantial documentation?

8 A. I would say you would save yourself
9 substantial documentation, although I am still
10 grappling about not having to look at alternatives to
11 reserves because it seems to me that when we look at,
12 for example, protection of aquatic feeding areas, for
13 example, and the moose guidelines, as I think Mr. Hanna
14 pointed out this morning, there is -- it reads that a
15 120-meter reserve should be established to protect an
16 aquatic feeding site.

17 In recent plans that I've been involved
18 in we have looked at aquatic feeding sites. As the
19 Board probably is aware, there are a number of
20 different types of moose/aquatic feeding sites; classes
21 1, 2, 3 and class 1 is relatively low value sites and
22 class 3 is relatively high value sites.

23 We have looked at that kind of
24 information that comes out of the surveys that the
25 Ministry has carried out on aquatic feeding sites, as

1 well, try to determine whether it is a high quality
2 aquatic feeding site or whether it is not.

3 We look at the preponderance of aquatic
4 feeding sites in that particular area, whether there
5 are a lot of them or only a few of them, and in some
6 instances we have ended up protecting the aquatic
7 feeding sites with reserves, in other instances partial
8 cutting can be permitted in them depending on the
9 nature of the stand.

10 So that although it would appear that we
11 would -- for example, in this example here on that one
12 aquatic feeding site at the south end of this
13 particular lake here, the 120-meter reserve was the
14 only thing that was considered. In fact, we would look
15 at a number of options there, one or two other
16 alternatives and we would have to analyse that in light
17 of the fact that a reserve was what we would finally
18 end up with.

19 Q. Mr. Fry, I appreciate that you will
20 go through that thought process. I am trying to
21 address the concern that was raised by Industry as to
22 the amount of documentation and I am saying, I am just
23 trying to get you to agree.

24 I think we have agreed, have we not, if
25 you don't have to document -- start writing out pieces

1 of paper, taking your time to write out all the things
2 that we went through in the situation where you chose a
3 reserve and you say why you chose that reserve you
4 would save yourself documentation.

5 I am not talking about the reasons
6 whether that may be good or bad, you would save
7 documentation?

8 A. You would.

9 Q. Thank you.

10 MR. FREIDIN: What time is the normal
11 break, Madam Chair?

12 MADAM CHAIR: Right now. Mr. Freidin, I
13 need to have this cleared up.

14 Mr. Fry, let's stay with Exhibit 1028 and
15 Section 3 on page 3 that Mr. Freidin just took you
16 through. It begins "If a reserve...

17 Is that reserve referring to the no-cut
18 reserve option that we were looking at--

19 MR. INNES: 844C.

20 MADAM CHAIR: --in 844C? What's the
21 difference between -- Mr. Freidin is saying that in a
22 no-cut reserve you wouldn't have to document an
23 analysis of the alternatives. What is the difference
24 between doing that and documenting the rationale for
25 selecting a reserve?

1 MR. FRY: I believe that the Ministry's
2 proposal indicates that where a reserve is used to
3 protect a value, what would be required would be only
4 the fact that a reserve is required.

5 MADAM CHAIR: What it says here is you
6 would have to document the dimensions of the reserve
7 and the rationale.

8 MR. FRY: Yes.

9 MADAM CHAIR: The rationale for selecting
10 a reserve. And you see that that is being quite
11 different than looking at the alternatives to a
12 reserve?

13 MR. FRY: Certainly in terms of
14 documentation, yes.

15 MR. FREIDIN: Madam Chair, unfortunately
16 I will --

17 MADAM CHAIR: You can't answer this, Mr.
18 Freidin.

19 MR. FREIDIN: What I will do is I will
20 undertake -- I mean, I will call evidence in reply and
21 I will explain it. Unfortunately, there is lots of
22 reply that I might want to call to try and clarify
23 these sorts of questions. Unfortunately that
24 opportunity comes much later in the game, but--

25 MADAM CHAIR: I will wait, Mr. Freidin.

1 MR. FREIDIN: --there is a difference.

2 And good time for a break.

3 MADAM CHAIR: Before we break, one
4 announcement. The Board has given leave for Forests
5 for Tomorrow to address us about the site -- their
6 proposed site visit to Geraldton at nine o'clock on
7 Tuesday morning rather than Monday at four.

8 ---Recess taken at 2:40 p.m.

9 ---On resuming at 3:10.

10 MADAM CHAIR: Please be seated.

11 MR. COSMAN: Madam Chair.

12 MADAM CHAIR: Mr. Cosman.

13 MR. COSMAN: Just a point of
14 clarification. Just before you rose you indicated that
15 Ms. Swenarchuk had requested a different time for her
16 to deal with the matter that I raised yesterday. I
17 take it that we are not going to deal with it in two
18 parts, part of it Monday afternoon and part of it
19 Tuesday morning, but the whole thing will be dealt with
20 Tuesday morning.

21 MADAM CHAIR: That's correct.

22 Mr. Freidin?

23 MR. FREIDIN: Q. Mr. Munro, we were
24 talking about having allocation maps such as the one --
25 I think it's Exhibit 1276, some with numbers or without

1 numbers.

2 Are you aware that there are plans
3 prepared under the present process which not only have
4 numbers on the allocation map indicating that there is
5 an area of concern, but also map out and colour the
6 areas of concern similar to Exhibit 1276?

7 MR. MUNRO: A. I'm more that aware that
8 our company has done that on several occasions. In the
9 recent plans that were approved, we did it above and
10 beyond what the requirement was to ensure that we
11 communicated what we wanted to do to the public. So,
12 yes, I'm quite aware.

13 MR. INNES: A. My company in Iroquois
14 Falls did the same thing, Madam Chair, with computer
15 drawn maps.

16 Q. Are you aware that, in fact, the same
17 procedure is followed in the preparation of Crown
18 management plans?

19 MR. MUNRO: A. It is definitely
20 something that's been evolving over time, yes, getting
21 better and better at communicating to the public and I
22 think if we can just take it one step further we will
23 all --

24 Q. Right. The one step further is
25 putting the little label on, in your opinion?

1 A. That certainly is.

2 Q. Mr. Young, is it your experience that
3 you have seen plans prepared under the present process
4 where areas of concern were identified on allocation
5 maps such as Exhibit 1276 both with numbers and with
6 coloured in areas to depict the actual prescription?

7 MR. YOUNG: A. That's my case also in
8 reviewing plans.

9 Q. And those situations have all been
10 done without, obviously, following the planning policy
11 being proposed by Industry? Agreed?

12 MR. MUNRO: A. Madam Chair, in answering
13 Mr. Freidin's question I believe it was Mr. Freidin who
14 indicated that there would be numbers one to fifty.

15 It has been a practice on an operational
16 field level that there has been numbers and there has
17 been some prescriptions outlined. In fact, that's
18 evolved over time to the point where we were
19 recommending that what we would have is something much
20 similar to that and we'd basically eliminate the
21 numbers.

22 Q. Eliminate the actual little number?

23 A. The numbers that you suggested would
24 correspond to a sheet of paper in some supplementary
25 documentation.

1 Q. But other than the number, there are
2 plans prepared under the present process which are the
3 same as the map you have up on the board, other than
4 the labels?

5 A. For sure.

6 Q. Thank you. Mr. Innes, you gave
7 evidence that:

8 "The Industry proposal..." and I am
9 quoting you,

10 "...allows a closer scrutiny of the
11 underpinning of the decisions behind the
12 planning system."

13 What did you mean by underpinnings in
14 this context and why is it important to provide for
15 this scrutiny?

16 MR. INNES: A. I was referring to our
17 proposal that there be explicit documentation in the
18 database of some of the other resource user plans.

19 For example, we talked, I believe, when
20 Mr. Hanna was examining about wildlife management plans
21 in the -- that would be resident in the database for
22 this plan. So the person examining the plan and seeing
23 a hard target in terms of "x" number of hectares of
24 whatever we talked about, winter cover or something,
25 would be able to go back in the database and relate

1 that to the overall management strategy and objective
2 and target in the wildlife management plan in the
3 database.

4 Q. And the database, as I understand it
5 the Industry's proposal, wouldn't pull together the
6 information in the database in a way which would
7 explain the prescription, but it would be there for
8 anyone to go to and look for?

9 A. I would hope we would get to a place
10 where there is an explicit link made in the database
11 between target -- the timber component targets and the
12 strategy and how they related to the strategy.

13 So there would be what I believe Mr.
14 Hanna called a traceability link so that you could
15 understand why that was important and why that timber
16 target and how that timber target related to the
17 overall management strategy.

18 Q. So in a nutshell, then, underpinnings
19 of the decisions behind the planning system really is
20 an explanation of the rationale for the decisions one
21 actually sees in the plan?

22 A. That's quite correct, Mr. Freidin.
23 It's a rationale process so that you and I and the
24 common man can understand what's trying to be
25 accomplished and how it all fits together.

1 Q. Now, Mr. Munro, you testified that:

2 "Plan preparers have two distinct
3 publics..." and I am quoting you,
4 "...those interested in what exactly
5 is happening at the field level and those
6 that want to understand the
7 technicalities in terms of what went into
8 the plan for the production."

9 Does your second category of publics,
10 those that want to understand the technicalities in
11 terms of what went into the plan for production,
12 include those described by Mr. Innes; i.e., those who
13 might want to scrutinize the underpinnings of the
14 decisions?

15 MR. MUNRO: A. Madam Chair, what I was
16 referring to there, by understanding the
17 technicalities, is understanding the manuals that are
18 in place, the guidelines that are in place, having that
19 explained in some detail and we are proposing to do
20 that in our three executive summaries, background
21 information, integrated resource database and the
22 report on past operations. That is where those
23 underpinnings that Mr. Innes referred to would be
24 explained and available for distribution to the public
25 as a whole.

1 I think we may be confusing a detailed
2 prescription that actually occurs in the plan as
3 opposed to what the Industry has and that's the
4 executive summaries for background information. This
5 occurs in the plan, these underpinnings occur in the
6 preplanning, if that clarifies it for you.

7 Q. I am not concerned about whether
8 there is preplanning or not, Mr. Munro, I want to know
9 whether, when you refer to people wanting to understand
10 the technicalities in terms of what went into the plan
11 for the production, that would include people who might
12 want to know what the reason is for the prescriptions
13 that they see on the map, not just what the
14 prescription is, but they want to know why that is
15 there?

16 A. Oh, for sure, and that's why we have
17 in our proposal that we have to deal with the people
18 that have an interest and make sure that's explained to
19 them to whatever detail is necessary.

20 If they don't like that explanation and
21 feel that's inappropriate, we have allowed for the
22 enhanced planning process to take it that further step
23 and start documentation immediately. Mr. Freidin is
24 perfectly correct.

25 Q. Mr. Munro, the area of concern

1 documentation that the Ministry requires in their
2 process, the one that gave rise to your concern in your
3 evidence-in-chief, would you agree with me that if that
4 process is followed, if that documentation is produced
5 in relation to areas of concern or protection of
6 specific values, that that would provide more detail
7 regarding the basis for specific prescriptions that are
8 imposed to address non-timber values than the
9 Ministry's proposal -- Industry's proposal?

10 Do you understand the question?

11 A. No.

12 Q. You have an individual value--

13 A. Right.

14 Q. --you set a prescription for it. The
15 Ministry says that you have to fill out area of concern
16 documentation in accordance with 1028, either
17 individually for each value or as a group, as we
18 discussed earlier. Your process doesn't require that
19 level of documentation; does it?

20 A. No, Madam Chair, it doesn't require
21 that level of documentation and there is a reason for
22 it, is that --

23 Q. I will let you give the reason for
24 it, all right. I will write it right down here so I
25 don't forget, reason why you don't.

1 So it doesn't do that. So would you
2 agree with me that the Ministry's documentation
3 requirements provide more information to that person,
4 that member of the public who wants to understand the
5 technicalities in terms of what went into the plan for
6 production; i.e., the specific reasons for specific
7 prescriptions?

8 A. Madam Chair, I would answer that in
9 saying that there is more paper provided to interested
10 individuals. I'm not sure that paper equates to
11 understanding.

12 Q. I'm not talking about understanding
13 on a one-to-one basis, I'm talking about anyone who
14 comes to read the plan who hasn't spoken to one to one.
15 Would you agree with me that the Ministry's
16 documentation requirements will provide more
17 information regarding the technical underpinnings of
18 the plan than the Industry's proposal?

19 A. No, I would disagree with that.

20 Q. In relation to specific prescriptions
21 on specific values?

22 A. Madam Chair, before one can truly
23 understand a prescription, one must understand some of
24 the rationale that went into why we're even putting
25 prescriptions on a map, and that's why we have put a

1 fair amount of effort into trying to explain the
2 process in some detail, as Mr. Innes referred to, the
3 underpinnings in terms of how we got to where we did
4 and the reasons for it.

5 I think our process and our system
6 provides a considerable more amount of understanding
7 simply because there is a number of points where the
8 public is talked to, advisory committees are used at
9 the three different levels and it's all provided in an
10 executive summary as well.

11 So, yes, I would say Industry's provides
12 more understanding for an individual reading the plan.

13 Q. Mr. Munro, I think we are going to be
14 here for some time because I have to go through your
15 evidence.

16 Your evidence is that in relation to
17 individual values for which prescriptions are set that
18 the only time that you have to provide written
19 documentation actually outlining the reason for the
20 prescription is where you deviate from the guideline,
21 where you impose a prescription where there is no
22 guideline or where the enhanced planning process kicks
23 in?

24 A. That's correct.

25 Q. How many of the prescriptions that

1 you are going to impose in timber management plans do
2 you believe will be developed which are deviations from
3 guidelines, are prepared without a guideline or for
4 which the enhanced planning process kicks in?

5 A. All the important ones.

6 Q. What percentage, Mr. Munro?

7 A. At the current time, Madam Chair, I
8 have no way of telling that.

9 Q. You have no idea?

10 A. I have no idea since what were put in
11 place -- if you use a range of acceptable practices
12 within the guidelines, what we are trying to do in our
13 exercise is focus on where people have real concerns,
14 and so at this present time I have no idea what
15 percentages that would be.

16 In terms of time and effort spent, I
17 don't think it would be any less. I think we will be
18 spending the same amount of time and effort
19 concentrating on those areas that Mr. Freidin has
20 outlined, the three circumstances where there is true
21 areas of concern and where we want to focus our
22 attention and the rest will be treated more or less as
23 routine business and guidelines will be applied.

24 Q. Mr. Munro, will you agree that it is
25 the hope of Industry that through your planning process

1 eventually you would have few areas of concern which
2 have prescriptions which were not imposed in accordance
3 with guidelines, you would have few prescriptions where
4 there were deviations from guidelines and you would
5 have few prescriptions which were developed because
6 somebody came along and said they didn't like what you
7 did? That is really what you are driving for; isn't
8 that the ultimate...

9 A. Madam Chair, that is the furthest
10 thing from our mind What we are driving for is
11 providing a proper level of environmental protection
12 through the application of guidelines and focusing our
13 time and effort on those values and those concerns
14 where people want the time and effort spent, and that's
15 why we have put the process in place where we have
16 deviations, where we have no guidelines and where we
17 have a concern expressed by the public, that those are
18 the areas that we concentrate on.

19 The amount of paper is a concern,
20 obviously, but it doesn't overrate the concern of
21 wanting to deal with the real issues.

22 Q. Mr. Munro, I know you don't agree
23 with the Ministry's process, you think there is too
24 documentation and it's a waste of time.

25 A. We have led evidence to that.

1 Q. Right. I understand all that, and I
2 am not trying to debate that with you. I'm just trying
3 to get an answer from you to what I think is a simple
4 question; that is, that you believe that the amount of
5 documentation, the number of AOCs -- pardon me, values
6 for which there will be documentation as to why the
7 prescription is what it is will be less in accordance
8 with your planning process if it works the way you want
9 it to work than it will if you follow the Ministry's
10 process as it has been proposed?

11 A. Madam Chair, I thought I provided an
12 answer last time; if I didn't, I will repeat it.

13 Q. Is your answer no, you don't agree
14 with me?

15 A. The answer there could be less, what
16 MNR refers to as AOCs, but I don't think it will be a
17 substantial amount of less time, effort and money being
18 spent. There would be less paper, Mr. Freidin.

19 Q. Less paper?

20 A. Yes.

21 Q. So if you had, as an example, a
22 thousand prescriptions in a plan, according to your
23 process you would spend just as much time on the ones
24 that you documented as you would under the Ministry
25 process; right?

1 A. I think that's fair.

2 Q. But if somebody came to look at the
3 plan, they would find written documentation as to why
4 those thousand prescriptions were what they were in
5 fewer cases with your proposal than they would with the
6 Ministry's process?

7 A. In terms of written documentation why
8 the prescription was applied, is that the question?

9 Q. Yes, that's all the question is.

10 A. That could be a fair assumption, yes.

11 Q. Could be or is a fair assumption?

12 A. Could be.

13 Q. You don't agree, then, that it is an
14 accurate statement?

15 A. I believe in our process there could
16 be areas -- I'm not sure at the present time how much
17 the actual number of AOCs will be reduced.

18 The values, the number of values would
19 definitely be as high. I guess the problem we have is
20 the difference between what we are calling a value, we
21 want to protect values, and what MNR is referring to
22 AOCs.

23 Q. All right. Let's just agree that we
24 are trying to protect resource, features, land uses and
25 values which you can put on a values map. Let's not

1 worry about what we call them.

2 A. I would agree that's what we are
3 attempting to do, yes.

4 MADAM CHAIR: Excuse me, Mr. Freidin. I
5 will interject here.

6 Mr. Munro, the Board recalls clearly your
7 evidence of June, I guess, where you made the point,
8 you said when you went through what is currently
9 required by MNR, not what's proposed, but what's
10 currently required by MNR in terms of describing why a
11 prescription for an AOC is applied, that in fact the
12 exercise you find yourself going through is, you are
13 going mountains of these single page AOCs and you were
14 literally taking exact words from that material and
15 putting it on the map and you thought that was a waste
16 of time.

17 MR. MUNRO: That's correct and that's --

18 MADAM CHAIR: It seems to be that MNR is
19 saying: Well, that may be the case now, but if you
20 came under our new process there would be something
21 else that would be important for the public to see that
22 would be written on those single sheets that you simply
23 can't transfer to this map.

24 Now, that's a different argument than the
25 number of values that are taken from AOCs.

1 MR. MUNRO: Correct. What I can tell you
2 is that Exhibit 1028, which Mr. Bisschop filed in
3 January?

4 MR. FREIDIN: Exhibit 1028?

5 MR. MUNRO: Yes.

6 MR. FREIDIN: January, yes.

7 MR. MUNRO: And the schematic which is on
8 page 10 -- or Exhibit 1044, which is this one.
9 (indicating)

10 MADAM CHAIR: 844.

11 MR. MUNRO: 844, sorry. The schematic
12 has been in place for a number of years. It is part of
13 the original EA document. This has been in place since
14 January.

15 The recent application of both of these
16 documents is still producing pages and pages of
17 documentation for a single resource value. In fact,
18 just recently we went through a process where we
19 identified a heronry rookery within a cutting area that
20 we found while we were in the area laying out the
21 boundaries and an MNR volunteer who used their system
22 that they have in place to do the AOC documentation,
23 because we had come to them and said: Look, we have
24 identified this and they said: Okay, we will do the
25 documentation --

1 MADAM CHAIR: And that's a single sheet
2 describing why a prescription --

3 MRS. MUNRO: No, Madam Chair. What Mr.
4 Fry shows on that map as a heron rookery most recently
5 has taken eight pages to describe under this proposed
6 system and that has occurred within the last three
7 weeks. So there is some difference of opinion on how
8 much reduction there would be.

9 MADAM CHAIR: So what you are saying is,
10 it is going to be a very different documentation
11 requirement under the new process?

12 MR. MUNRO: Madam Chair, I'm not sure
13 because--

14 MADAM CHAIR: You don't know that.

15 MR. MUNRO: --what's been explained to us
16 is, this is what's in place now, these two exhibits,
17 and if I read the new Ts and Cs they are not any
18 different than what's in here except that it explains
19 it further which is good.

20 MADAM CHAIR: But it is very different
21 than what you took in the past off the documentation
22 for individual AOCs and would put on a map?

23 MR. MUNRO: Yes. So there is still some
24 problems out there.

25 MR. MARTEL: Two points that are

1 bothering me.

2 I am not sure the left hand knows what
3 the right hand is doing in this game in town because
4 this has been out for six months. The experts, the
5 people who deal with it every day obviously are totally
6 confused or maybe it's just you five and we two up
7 here, but there is obvious confusion out there as to
8 what's been sent out. This isn't the first time this
9 game has come around. I remember the moose thing and
10 my friend Mr. McNicol heading up and trying to explain
11 that.

12 I am not sure how people are supposed to
13 make decisions when we can't even get the experts who
14 deal with it every day. If they can't understand it,
15 how in God's name am I suppose to understand it?
16 That's the first point.

17 I am sitting here listening to an
18 argument, and I think you and I had this discussion way
19 back in June because I was worried about AOCs then and
20 documentation was going to happen because I'm not sure
21 how you can end up with documentation when - I'm not
22 sure if I would use more or less less documentation at
23 this stage - you are only going to deal with AOCs that
24 are real AOCs in your opinion and if you deviate from
25 the guideline or you have a prescription without a

1 guideline or an enhanced planning process. I don't
2 know how many AOCs meet that, it must be a lot.

3 Let me finish because I am just sitting
4 here trying to take notes and I might as well tear the
5 pages out and throw them away because, you see, we are
6 getting bantering back and forth and I just happen to
7 believe you can't have it both ways.

8 I mean, if you are only going to have
9 real identified AOCs, if you are going to have -- and
10 that's if somebody comes forward the enhanced planning
11 process kicks in, everything else you don't have
12 description for or documentation for or you don't need
13 it, how can you not end up with less documentation? I
14 mean, we just seem to be playing with semantics here in
15 words, who wants to give in a little bit, who doesn't
16 want to give in. I mean, it just can't work that way.

17 If that's the process and you are only
18 going to document the enhanced ones and the others, you
19 have got to be ending up with vastly different amounts
20 of material.

21 Now, I know what kicks in, it's the
22 Ministry's new game in town which went out in January
23 and then maybe later on some more explanation and you
24 obviously don't understand it, I am not sure if the
25 Ministry's people understand it because there must be

1 tons of material going out these days, but I don't know
2 how we are suppose to get a handle on all this and
3 maybe somebody could slow the process down so at least
4 this guy can understand what you are talking about. I
5 mean, quite frankly it blows my mind.

6 MR. MUNRO: Mr. Martel, in terms of the
7 documentation, I think it is really a matter of where
8 does that documentation occur and we were saying it
9 will occur on a map and it will be explicitly explained
10 there.

11 MR. MARTEL: I understand that, Mr.
12 Munro, but the only ones that end up on a map, if I am
13 correct, and have documentation which you follow
14 through with, is if - and maybe I am wrong - is if
15 there is a deviation, there is a guideline that
16 doesn't -- that has no guideline, pardon me, a
17 prescription without a guideline or if somebody wants
18 the enhanced planning process to kick in.

19 MR. MUNRO: Mr. Martel, it's the other
20 way around. You are interpreting it wrong.

21 MR. MARTEL: All right.

22 MR. MUNRO: What shows up on the map is
23 all values.

24 MR. MARTEL: True values?

25 MR. MUNRO: No, all values.

1 MR. MARTEL: All values. Every last
2 single value, 1,100 of them

3 MR. MUNRO: 1,100 values show up.

4 MR. MARTEL: Right. With a prescription.

5 MR. MUNRO: The detailed prescription is
6 outlined on the map.

7 MR. MARTEL: For each one?

8 MR. MUNRO: For each one. The
9 documentation for the other ones where you have those
10 three components that you read out, that's all
11 documented, all your values on the map.

12 MR. MARTEL: Let's stop right there
13 because what Mr. Freidin is saying to you is that his
14 process, because all of them have to be documented, we
15 will end up with more documentation than yours.

16 MR. FREIDIN: I think I see what your
17 confusion is, Mr. Martel.

18 Q. Mr. Munro, I think we agreed the
19 Ministry's process is no different than the one that
20 you are proposing in terms of the number of values that
21 get onto the values map?

22 MR. MUNRO: A. I think we are in
23 agreement there.

24 Q. The Ministry's process is no
25 different than the Industry's in this respect, that a

1 prescription is developed for each value which is
2 identified on the values map which might be affected by
3 operations?

4 A. That's correct, it's no different.

5 Q. All right. The two processes are the
6 same in that on allocation maps there is a delineation
7 by way of colour or hash marks indicating in a general
8 way what the prescription is in relation to every value
9 for which a prescription has been set; agreed?

10 A. I agree.

11 Q. The difference is that in the
12 Ministry's proposal for every one of those values for
13 which a prescription is developed there is one sheet or
14 one form or grouping a whole bunch into one form so
15 that for every prescription which is on the map
16 somebody can go to the paper and say -- and find out
17 the information that is contained on the form; i.e., a
18 description of the value, what the potential effects of
19 the timber management operations are on the value, why
20 the decision was to go reserve or if you modified, what
21 were the alternatives, and you can do that in relation
22 to every value for which a prescription has been set,
23 is that correct, as under the Ministry's proposal?
24 Please try a yes or a no?

25 A. The answer is no if you are saying it

1 is all contained on one sheet.

2 Q. All right. Well, you have to fill
3 out this form. If the rationale takes three pages to
4 give --

5 MADAM CHAIR: Mr. Munro has just
6 testified that it takes eight pages for one heron
7 rookery according to the latest application.

8 MR. FREIDIN: All right, it may take
9 eight pages.

10 Q. As many number of pages that it
11 takes, you will find paper explaining those subject
12 matters, the potential effects that you are trying to
13 address, how you are doing it, et cetera, is that
14 right, under the Ministry's process?

15 A. Yes.

16 Q. The difference with your process is
17 that you won't find an explanation like that, that the
18 public or a plan reviewer that would go to your map
19 will find the same number of values, the name wiggly
20 lines on the map, but for those prescriptions or those
21 values which were developed in accordance with --
22 pardon me.

23 Let's put it another way. You will only
24 have an explanation of the potential effects in all
25 that sort of documentation in relation to only some of

1 those, right, not all of them, some of them?

2 A. Yes, that's correct.

3 Q. And the "some of them" are which ones
4 that you will have the documentation for?

5 MR. COSMAN: Documentation beyond the
6 description on the map?

7 MR. FREIDIN: Yes.

8 MR. MUNRO: We have gone through those
9 three. Where there is no guideline, where there is a
10 deviation from a guideline and where the enhanced
11 planning process is in place.

12 The other rider that has to go with that
13 is that we do see the guidelines being revised and
14 reviewed to ensure that there is three components
15 looked at. One is that there is some science in those
16 guidelines; two, that there is some environmental type
17 analysis in those guidelines; and, three, that they
18 basically reflect society's needs and goals at that
19 time.

20 We see that alternatives as being in the
21 guidelines not necessarily documented every time that
22 you are looking at alternatives. As Mr. Fry indicated,
23 in most cases you have -- you do want to modify your
24 operations. As far as strictly applying a no-cut
25 reserve, Mr. Freidin is right, you would just have to

1 provide a rationale.

2 In most cases what we are attempting to
3 do is protect the value and maximize the amount of wood
4 that we can get out of that area. So we do have a lot
5 cases where there would be modifications.

6 MR. MARTEL: Can I now ask you a
7 question?

8 MR. MUNRO: Sure.

9 MR. MARTEL: What percentage, ballpark
10 figure, anything you want to name, are going to fall
11 into each of the categories or let's just put in one
12 category, lump the three categories together, and those
13 that won't show up with documentation?

14 What am I talking about? What are you
15 telling me, that it's 50/50, that it's
16 two-thirds/one-third? I have no idea what that means,
17 but if we get that ballpark figure at least then we
18 will know if there is more documentation or less
19 documentation in the --

20 MR. MUNRO: I think it would be -- and
21 this is just ballpark, Mr. Martel.

22 MR. MARTEL: Yes, ballpark.

23 MR. MUNRO: I would think about -- of the
24 1,100 that we have now, about one-third would show up
25 in the three groupings that we had.

1 MR. FRY: May I say, Mr. Martel, that I
2 think it is going to vary from area to area depending
3 on how contentious the issues are in particular
4 management units.

5 It could be relatively low. The plan
6 that I'm working on right now, I suspect that maybe 10
7 per cent would fall into that category.

8 MR. MARTEL: That's just helpful. Thank
9 you.

10 MR. FREIDIN: Thank you very much. It is
11 helpful to me, too.

12 MR. FRY: Could I make one more
13 clarification relative to the similarity of maps.

14 The maps that I have seen in plans that
15 are prepared under the Ministry's system right now are
16 very similar to the map that we have entered into
17 evidence, but they do not show the value, precisely
18 what the value is.

19 I believe usually what happens is there
20 is a number, they do not show always the precise
21 prescription. If it is a reserve it is usually
22 coloured in red or it's cross hatched in some way so
23 one knows that, yes, that is a reserve, but if it is an
24 area of modified operations, it does not show up on the
25 map? All we know is that there are modified operations

1 there. To know what those modifications are, one then
2 has to refer back to the documentation that may be
3 contained currently in, whatever, three, 4000 pages of
4 binders.

5 MR. FREIDIN: Q. Okay. I think we can
6 move on.

7 Mr. Innes, would you refer to page 33 of
8 the witness statement, please. As I read the first two
9 paragraphs of that particular page, Mr. Innes, you are
10 indicating a concern by Industry that guidelines not be
11 applied in an inflexible way.

12 MR. INNES: A. That is correct, Mr.
13 Freidin.

14 Q. Are you able to agree with me that in
15 some cases too flexible an application of a guideline
16 may be undesirable or improper from the perspective of
17 protecting or addressing the non-timber value that the
18 guideline is attempting to deal with?

19 A. Indeed I am, Madam Chair, and we made
20 provisions recognizing that there may be a situation in
21 which there is only one possible activity under a
22 guideline.

23 Q. In some guidelines, as they are
24 presently worded, let's leave aside how you want to
25 have them more definitive, but in guidelines as

1 presently worded there is some cases more general
2 direction where it doesn't say if you find "x" do "y"
3 and it gives the resource manager a bit of discretion
4 to formulate and develop based on experience and
5 knowledge an appropriate prescription; is that a fair
6 statement?

7 A. Those words occur in some of the
8 current guidelines, yes.

9 Q. Do you believe that resource
10 managers, and I am speaking of now particularly
11 Ministry of Natural Resources managers, have a
12 responsibility to ensure that the degree of flexibility
13 given to decision makers is appropriate and is
14 exercised properly?

15 A. Yes, I would agree with that since
16 the Ministry of Natural Resources acts as the custodian
17 of the resource on behalf of the people of the
18 province.

19 Q. Mr. Innes, you in your evidence on
20 the IRUC, I believe you or other panel members,
21 indicated that one of the benefits of this regional
22 group would be that because it was a larger sort of
23 geographical area than the actual forest management
24 unit that they would be able to get a different
25 perspective of what was going on in the region as a

1 whole than, say, a particular manager right on a forest
2 management unit?

3 A. That is correct.

4 Q. Now, as I understood your evidence,
5 you thought that would be a benefit because they might
6 be able to identify problems which -- you know, in a
7 number of different locations in the region and,
8 therefore, come to the conclusion that there was some
9 sort of general problem that should be addressed,
10 whereas somebody who had that problem at the forest
11 management unit might not know that the magnitude of
12 the problem was perhaps greater than just his little
13 unit?

14 A. Yes, I think that's fair. There's a
15 number of things like that that a larger picture would
16 be beneficial to have.

17 Q. Would you agree that the review of
18 timber management plans by the Ministry of Natural
19 Resources by regional specialists serve the same sort
20 of function?

21 A. It serves the same sort of function
22 within a technical area of expertise, yes.

23 Q. A regional specialist who was
24 reviewing plans, because that person was reviewing a
25 number of plans for region, might identify through that

1 review a difficulty in the interpretation of a
2 guideline, the approach that managers were taken to
3 applying the guideline?

4 A. That is quite true, Madam Chair,
5 although there is one essential difference that I wish
6 to bring to the Board's attention; and, that is, the
7 rapidity with which regional specialists move around
8 the province makes them perhaps less familiar with the
9 the geographic part of that area and perhaps members of
10 an IRUC tend to be a little more stable in their
11 domiciles.

12 Q. Okay. Now, I think we have agreed,
13 Mr. Innes --

14 MADAM CHAIR: Excuse me, Mr. Innes. Why
15 would that be the case?

16 MR. INNES: My experience has been that
17 the Ministry of Natural Resources' staff change quite
18 rapidly both at the district and regional level. My
19 experience has also been --

20 MR. COSMAN: Changes in sense of move?

21 MR. INNES: They change in terms of move,
22 a different regional forester and a different biologist
23 at a very rapid pace and my experience has also been,
24 and I believe that of the other panel members, that the
25 ordinary citizen doesn't move quite as rapidly as some

1 of the people in the Ministries do. The only means of
2 promotion, as I understand it, is moving somewhere in
3 most cases and that's the avenue which they use to
4 promote themselves.

5 MR. FREIDIN: I want to ask questions
6 about the map and, Mr. Fry, seeing you drew it I will
7 ask the questions of you.

8 Now, it is Industry's evidence that the
9 documentation of the rationale for the prescription -
10 we have already described what that is, you know, three
11 situations as opposed to one situation - I understand
12 it is your position that appropriate documentation of a
13 prescription in all cases, other than the ones that
14 fall into one of those three categories, is appropriate
15 as displayed on that map, Exhibit 1276; correct?

16 MR. FRY: A. The labels would have the
17 prescription documented on it, yes.

18 Q. And the appropriate level of
19 documentation for those situations?

20 A. That is our position.

21 Q. I don't know whether I can do it.
22 Would you go up to the map.

23 A. Sure.

24 Q. There is a reserve I think on the
25 right-hand side, 120-meter reserve. It is along a

1 creek; is it not?

2 A. Right here? (indicating)

3 Q. Yes, in red.

4 A. I don't believe it is, no.

5 Q. What's the red reserve for, Mr. Fry?

6 A. I think you are correct, Mr. Freidin.

7 It is along a creek that comes down partway, that's
8 true.

9 Q. Now, I heard Mr. Munro say: Uh-uh,
10 it's for moose.

11 MR. MUNRO: A. It could be more moose.

12 Q. It could be for moose. Can you tell
13 me whether it's for moose or whether it is because of
14 the creek, Mr. Fry?

15 MR. FRY: A. I can tell you that it is a
16 reserve that was left for the purpose of moose
17 management, yes.

18 Q. You know that, I couldn't tell that
19 from the map and I suggest to you that somebody else
20 coming up there wouldn't know that it was for that
21 reason; would they?

22 A. Somebody coming up to the map and
23 looking at it would not know that, no, without asking
24 us to find out the reason for it.

25 Q. And I take it that the regional

1 reviewer of that plan, that person wouldn't know either
2 without coming and asking?

3 MADAM CHAIR: The regional --

4 MR. FREIDIN: Q. The Ministry of Natural
5 Resources' regional reviewer of the plan to get that
6 and might say: Gee, maybe that's for the creek, maybe
7 that's for moose. It doesn't tell you on the map; does
8 it?

9 MR. FRY: It does not tell you on the
10 map. I would like to make it clear, however, that that
11 prescription would have been developed in consultation
12 with the Ministry of Natural Resources' technical
13 expert who would be presumably the district biologist.
14 So that there would be people resident within the
15 Ministry of Natural Resources that would know the
16 reason for it.

17 Q. Sure. So, the regional reviewer
18 would have to call the district biologist and say
19 what's the reason for the reserve on the map?

20 A. If the regional reviewer wanted to
21 know precisely why that was there, that's true.

22 Q. What did you say the purpose there
23 was? Was it for water quality or fish or was it for
24 moose?

25 A. For this one here? (indicating)

1 Q. Yes.

2 A. This was for moose.

3 Q. Now, you have also got these other --
4 you have the circle in the middle which I think is the
5 heron rookery?

6 A. That's correct.

7 Q. And you've got these other lines
8 going off to north, the southwest?

9 A. You are referring to these two lines
10 here? (indicating)

11 Q. Yes. What are those?

12 A. Those are -- have been -- those are
13 reserves that have been established for the purpose of
14 breaking up the cut to accommodate the current moose
15 management.

16 Q. Does the map telling a person looking
17 at that that that was the purpose?

18 A. The map does not precisely tell a
19 person that. However, I would suspect that a reviewer,
20 a moose management specialist at a regional level
21 reviewing this would obviously see that it would have
22 the effect of a breaking up the cut.

23 Q. Okay. In your evidence -- is that
24 map to scale?

25 A. In what respect?

1 Q. In terms of the prescriptions.

2 A. Roughly, yes.

3 Q. Roughly. You just gave evidence --

4 A. The reason I say roughly is because
5 sometimes it's very difficult to follow around and draw
6 precisely to scale a 30-meter reserve.

7 So, in all cases there would be not only
8 as accurate a delineation on a map as is possible, but
9 also the precise width of the reserve.

10 Q. All right. Now, for the moose
11 corridor there, your evidence was that it was 120
12 meters. 120 meters is not stated anywhere on the map;
13 is it?

14 A. Yes.

15 Q. Is it, all right. Sorry.

16 A. 120 meters here and it indicates the
17 distance -- not the distance, but the extent of it from
18 here to this point and 120 meters here from this point
19 to this point, and the same thing up here. (indicating)

20 Q. And the width?

21 A. 120 meters.

22 Q. You indicated during your evidence --
23 you pointed to a stream and I think it is coming out of
24 this lake? (indicating)

25 A. That's correct.

1 Q. It is marked 30 meter no-cut?

2 A. That's correct.

3 Q. Any indication on the map what the
4 slope is along that creek?

5 A. No, there is no indication.

6 Q. And according to your process there
7 will be no documentation to indicate to a plan reviewer
8 what the slope was along along that creek because it
9 would have been done in accordance with the guidelines?

10 A. It would have been done in accordance
11 with the guidelines and it would have been done
12 utilizing the provincial -- the one to twenty thousand
13 maps, I forget what they are called, that show slopes
14 on it. They're contour maps. Those are readily
15 available to any reviewer.

16 Q. So the reviewer to determine what the
17 slope was would have to pull out the maps, go through
18 the same analysis that you would have gone through to
19 come up with the size of the reserve to see that the
20 reserve was, in fact, in accordance with the
21 recommendation of the guidelines, if you really wanted
22 to follow it through and do a check?

23 A. Whether it is documented on a piece
24 of paper or whether it shows it documented on a map
25 such as this, the reviewer would have to do the same

1 thing.

2 If he wanted to assure himself that what
3 is shown on this map or what is shown on the
4 documentation on a sheet of paper in a supplementary
5 documentation binder has been done properly he would
6 have to do --

7 Q. Right.

8 But there is a difference between looking
9 at the map and saying there is the slope or having a
10 piece of paper saying there is the slope and saying:
11 Yes, that's the right reserve, no problem than having
12 to look at the reserve and say: Gee, I don't know even
13 know what the slope is. There is a different level of
14 information that's missing.

15 Anyway, let's move on. You have got some
16 other things on this map which are labelled bypass?

17 A. Yes.

18 Q. Can you just sort of point out to a
19 couple on the map for the Board?

20 A. These are the stippled areas in
21 through here.

22 Q. You have quite a few of them in
23 there?

24 A. Yes, there are quite a number of
25 them.

1 Q. What is that?

2 A. Bypass are areas that are considered
3 inoperable, that are considered unmerchantable for
4 whatever reason that are normally bypassed in the
5 course of operations; in other words, they aren't
6 harvested. They are a part of virtually many
7 cut-overs. It will vary depending on stand conditions,
8 timber conditions, terrain and so on, market
9 requirements, and so on.

10 They usually -- in the case that we have
11 shown here, they are usually areas that will meet the
12 requirements of the moose management guidelines in
13 terms of breaking up the cut-over; in other words, they
14 have, I think, a certain type of timber in them, they
15 would have a certain basal area.

16 Q. So those areas, can you tell me why
17 they were there in this particular case by looking at
18 the map?

19 Not you, could someone looking at that
20 know by looking at those bypass areas why those bypass
21 areas were there, why whether they were because they
22 were unmerchantable, whether they were inoperable or
23 whether they were there because they were to meet
24 requirements for moose management guideline purposes?

25 A. They were there because they will be

1 bypassed for whatever reason.

2 Q. Would one know whether they were
3 important in terms of moose habitat management by
4 looking at the map?

5 A. Yes. If another person looked at
6 that, it's possible that they would not understand that
7 they would break up the cut further.

8 Q. They might be -- is it possible they
9 might be necessary for that purpose but it's just not
10 documented on the map?

11 A. Just looking at the map I would say
12 not, but in the plan I think there would be a
13 description of - in the management strategy section -
14 of how we would be attempting to break up the cut-over
15 and there would be some discussion I believe of the use
16 of bypass to break it up.

17 Q. Your map shows that there is an area
18 that is to recieve a prescribed burn?

19 A. Yes.

20 Q. None of those bypass areas show up in
21 the prescribed burn area, I don't believe?

22 A. That is correct.

23 Q. Let me put this hypothetical
24 situation to you, Mr. Fry.

25 Let's say in your plan a prescribed burn

1 is chosen for an area and it happened to be chosen for
2 an area where you had one of those bypass areas. It
3 was in the area that you were going to prescribe burn;
4 okay?

5 A. Okay. Usually we try to identify
6 prescribed burns; however, at the timber management
7 planning stage, so that things such as reserves can be
8 tailored for allow for the burn to take place without
9 having to go through an amendment process.

10 Q. I understand that there are
11 situations where your silvicultural groundrule will
12 indicate that you have a number of options and it may
13 be for one reason or another that you may not have
14 initially intended to have a prescribed burn, but
15 because of the conditions on the site after harvest it
16 looked like a good thing to do and you would go ahead
17 and do a prescribed burn.

18 You don't have to make that decision, do
19 you, every time at the five-year level?

20 A. For most silvicultural prescriptions,
21 I would say that what you are saying is correct, but in
22 the case of prescribed burns, I don't think I would
23 agree with that.

24 I think you would make every effort to
25 identify those areas at the timber management planning

1 level because, as I indicated, you do have to do some
2 tailoring of the cut to in order to meet the
3 requirements of those people who are going to be doing
4 the burning.

5 Q. Okay. Thank you.

6 MR. MUNRO: Madam Chair, if I can just
7 add to what Mr. Fry said.

8 In our particular area it has been a
9 common practice to get the regional specialist in and
10 go through the maps with the local biologist. So in
11 some cases, there would be -- a discussion would take
12 place over a table looking at the maps and people would
13 be able to explain what happens and why it happens.

14 Not everything -- I don't think it has to
15 be refined for specific detail, for regional reviewers
16 that is.

17 Q. Mr. Innes, there has been evidence in
18 this hearing that in relation to some of the guidelines
19 not all of the professionals have had the same
20 experience in applying the guidelines.

21 If I suggest to you that the Ministry of
22 Natural Resources' managers say that the documentation
23 that you say is unnecessary for areas of concern would,
24 if provided, actually reduce inflexibility in the
25 application of the guidelines and would improve

1 decision making, are you in any position, based on your
2 expertise, to dispute that statement?

3 MR. INNES: A. Madam Chair, as I
4 explained at the start of our evidence, I am somewhat
5 removed from the day-to-day operational level at a
6 field level, although I do review our management plans
7 being prepared for Abitibi-Price. I am advised of the
8 place when the plan stops prior to it going to MNR.

9 It has been my experience in dealing with
10 guidelines that they are not considered to be flexible,
11 they are considered as rules despite the fact there is
12 room for negotiation in there, and I fail to see where
13 additional documentation - if that's the question, Mr.
14 Freidin - would provide for greater flexibility that
15 now exists.

16 Maybe that possibility is there, but it
17 hasn't been reflected in practice, as far as I'm aware,
18 over situations that we are now dealing in for my
19 company and I can't speak beyond that. I have no
20 knowledge at a field level beyond my own company
21 situation.

22 Q. I guess what you are saying is, I
23 guess you would have to hear the reason that that might
24 be the case out of the mouth of one of those resource
25 managers that I am speaking of and then assess whether

1 it made sense?

2 A. Yes, and I think there is -- you
3 know, there is room for hope in this situation in terms
4 of I discern -- I want to make a comment on Mr.
5 Martel's comment and this would be a good place to make
6 it.

7 Progress is being made as we go along
8 over these number of years and, you know, as astounding
9 as that sounds, in fact it is occurring and there is
10 better dialogue at a field level between the MNR
11 experts and the Industry timber management foresters
12 and the Ministry's timber management foresters in terms
13 of being able to discuss things on a multi-discipline
14 level at a ground level and that is heartening that it
15 is coming that way.

16 I will use that as a preface to say, I
17 see a possibility where that could occur, Mr. Freidin,
18 and provide greater flexibility in interpretation of
19 guidelines. So that possibility exists. We haven't
20 experienced a great deal of it so far, let me put it
21 that way.

22 Q. Okay. So then assuming that it is a
23 valid statement, it is valid that by getting this
24 documentation the resource managers could, through
25 discussions with their resource managers in the field,

1 make application less inflexible and they could
2 actually improve decision making, under the assumption
3 that that is true, you'd agree that that would be a
4 valid reason for requiring the documentation?

5 A. I would like to be able to say yes.
6 I'm not sure it's practical to say that in terms of the
7 alternatives we have now seen are, in my mind, straw
8 dogs to a large extent and are not analysed to the
9 extent where they are helpful in providing that. Maybe
10 that's possible. I have yet to see that occur.

11 And I believe a comment made a moment ago
12 was, the easiest thing to do is to pick pieces out of
13 the current guidelines and plug them in on the slots in
14 terms of forms that have to be filled out so this
15 things gets done and people aren't going to sit down
16 and make meaningful analysis if you have 1,100 areas of
17 concern and suppose there is eight pages of
18 documentation for each of these things or even five
19 pages, that's an enormous number, and if the mind is
20 boggled at the process and thereby we stumble upon
21 the -- on the brink of practicality here in terms of
22 how do we do this. It's a nice idea, but I'm not sure
23 it's practical at a field level.

24 So theoretically, yes; practically,
25 unlikely.

1 Q. But you have no expertise in the
2 management of those other resources and I suggest to
3 you that the opinion of someone who is an expert in the
4 management of those other resources in relation to the
5 question that I put to you should be given more weight?

6 A. I could not disagree with that, Madam
7 Chair.

8 MR. FREIDIN: It might be a good time to
9 end the day, Madam Chair, if you are going to stop at
10 four o'clock.

11 MADAM CHAIR: Very punctual, Mr. Freidin.
12 Thank you.

13 We will reconvene at Monday morning at
14 nine o'clock -- ten o'clock on Monday morning.

15 MR. COSMAN: Madam Chair, just so I can
16 assist my witnesses as to how many nights they need to
17 reserve hotel rooms for next week, I wonder if Mr.
18 Freidin could indicate how long he will be.

19 MR. FREIDIN: I think they should reserve
20 Monday night and Tuesday night.

21 MR. CAMPBELL: Just for my planning, is
22 that for purposes of Mr. Freidin or for the panel
23 generally?

24 MR. FREIDIN: You will get reached on
25 Wednesday, Mr. Campbell, if I don't finish on Tuesday.

1 I spent the first two hours on the first page of my
2 notes.

3 MR. CAMPBELL: If I could get some
4 estimate from Mr. Freidin as to -- I understand I will
5 go Wednesday if he doesn't finish until late Tuesday,
6 but if he could be more precise than that it would be
7 helpful.

8 MR. FREIDIN: I think you should probably
9 plan on going on Wednesday.

10 MADAM CHAIR: Mr. Campbell, how long do
11 you think you are going to be in cross-examination?

12 MR. CAMPBELL: I will not permit myself
13 to be put in the position of making this panel come
14 back after next week.

15 Having given that general assurance,
16 obviously if I am well into Wednesday before I start we
17 have a major problem. We have some significant areas
18 to cover with this panel. I expect to be, if things
19 move along quickly, half a day. If things don't move
20 along quickly, I could be considerably longer.

21 Half a day might be a little optimistic,
22 but I would be highly misleading you if I did not
23 reserve at least a half of one full day.

24 MADAM CHAIR: I think all of us intend
25 that Panel 10 will be finished next week, but it sounds

1 to me like you will be staying Monday and Tuesday
2 evening anyway.

3 Thank you.

4 ---Whereupon the hearing was adjourned at 4:00 p.m.,
5 to be reconvened on Monday, August 20, 1990
6 commencing at 9:00 a.m.

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